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FILE DESCRIPTION

NEW YORK FILE

SUBJECT ROSENBERG/
SOBELLE Comm.

FILE NO. 100-107111

VOLUME NO. BULKY

SERIALS 1342

THRU

1486

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JULIUS ROSENBERG, et al.
NEW YORK BULKY EXHIBIT FILES

Exhibit Number	Description	Released	Denied	Withheld
1B1342	Exempt Material		b7d	
1B1343	Exempt Material		b7d	
1B1344	Exempt Material		b7d	
1B1345	Pamphlet	✓		
1B1346	Leaflet	✓		
1B1347	Leaflet	✓		
1B1348	Exempt Material		b7d	
1B1349	Exempt Material		b7d	
1B1350	Leaflet	✓		
1B1351	Letter	✓		
1B1352	Leaflet	✓		
1B1353	Exempt Material		b1	
1B1354	Exempt Material		b1	
1B1355	Exempt Material		b1	
1B1356	Exempt Material		b1	
1B1357	Exempt Material		b1	
1B1358	Exempt Material		b-1	
1B1359	Exempt Material		b1	
1B1360	Exempt Material		b1	
1B1361	Exempt Material		b7d	
1B1362	Exempt Material		b7d	
1B1363	Exempt Material		b7d	

JULIUS ROSENBERG, et al.
NEW YORK BULKY EXHIBIT FILES

Exhibit Number	Description	Released	Denied	Withheld
B1364	Exempt Material		b1	
B1365	Exempt Material		b1	
B1366	Exempt Material		b7d	
B1367	"Flyer"	✓		
B1368	"Flyer"	✓		
B1369	newspaper			too large for copying
B1370	Exempt Material		b1	
B1371	Exempt Material		b-1	
B1372	Exempt Material		b1	
B1373	Exempt Material		b7d	
B1374	Exempt Material		b1	
B1375	Exempt Material		b1	
B1376	Exempt Material		b1	
B1377	Exempt Material		b1	
B1378	Exempt Material		b1	
B1379	"Flyer"	✓		
B1380	Exempt Material		b1	
B1381	Exempt Material		b1	
B1382	Court Documents	✓		
B1383	Exempt Material		b1	
B1384	Exempt Material		b1	
B1385	Flyer	✓		

JULIUS ROSENBERG, et al.
NEW YORK BULKY EXHIBIT FILES

Exhibit Number	Description	Released	Denied	Withheld
1B 1386	Leaflet	✓		
1B 1387	Exempt Material		b1	
1B 1388	Letter	✓		
1B 1389	Leaflet	✓		
1B 1390	Envelope	✓		
1B 1391	Exempt Material		b1	
1B 1392	missing			
1B 1393	Pamphlet	✓		
1B 1394	Poems	✓		
1B 1395	Poems	✓		
1B 1396	Pamphlet	✓		
1B 1397	Pamphlet	✓		
1B 1398	Pamphlet	✓		
1B 1399	Poems	✓		
1B 1400	Script	✓		
1B 1401	Leaflet	✓		
1B 1402	Leaflet	✓		
1B 1403	Letters	✓		
1B 1404	Pamphlets	✓		
1B 1405	Exempt Material		b1	
1B 1406	Exempt Material		b1	
1B 1407	Exempt Material		b1	

JULIUS ROSENBERG, et al.
NEW YORK BULKY EXHIBIT FILES

Exhibit number	Description	Released	Denied	Withheld
B 1408	Letter	✓		
B 1409	Exempt Material		b7d	
B 1410	Exempt Material		b1	
B 1411	Exempt Material		b1	
B 1412	News Article	✓		
B 1413	Exempt Material		b1	
B 1414	Exempt Material		b1	
B 1415	Exempt Material		b1	
B 1416	Exempt Material		b1	
B 1417	Exempt Material			
B 1418	News Article	✓		
B 1419	Exempt Material		b1	
B 1420	Exempt Material		b1	
B 1421	Exempt Material		b7d	
B 1422	Exempt Material		b1	
B 1423	Exempt Material		b1	
B 1424	Exempt Material		b1	
B 1425	Letter	✓		
B 1426	News Article	✓		
B 1427	Exempt Material		b1	
B 1428	Letter	✓		
B 1429	Envelope	✓		

JULIUS ROSENBERG, et al.
NEW YORK BULKY EXHIBIT FILES

Exhibit Number	Description	Released	Denied	Withheld
1B1430	Exempt Material		b7d	
1B 1431	Letter	✓		
1B 1432	News Article	✓		
1B 1433	Exempt Material		b1	
1B 1434	Exempt Material		b1	
1B1435	Exempt Material		b1	
1B1436	Exempt Material		b1	
1B1437	Exempt Material		b1	
1B1438	Exempt Material		b1	
1B1439	Exempt Material		b7d	
1B1440	Exempt Material		b7d	
1B1441	Envelope	✓		
1B1442	Letter	✓		
1B1443	Letter	✓		
1B1444	Letter	✓		
1B1445	Exempt Material		b1	
1B 1446	Pamphlet	✓		
1B 1447	Pamphlet	✓		
1B 1448	Letter	✓		
1B 1449	Exempt Material		b1	
1B 1450	Exempt Material		b7d	
1B 1451	Letter	✓		

JULIUS ROSENBERG, et al.
NEW YORK BULKY EXHIBIT FILES

Exhibit Number	Description	Released	Denied	Withheld
B1452	Petition	✓		
B1453	Exempt Material		b1	
B1454	Petition	✓		
B1455	Pamphlet	✓		
B1456	Exempt Material		b1	
B1457	Exempt Material		b1	
B1458	tape recording			Can not be duplicated
B1459	Exempt Material		b1	
B1460	Exempt Material		b1	
B1461	Exempt Material		b1	
B1462	Leaflet	✓		
B1463	Exempt Material		b1	
B1464	Exempt Material		b1	
B1465	Exempt Material		b1	
B1466	News Article	✓		
B1467	Exempt Material		b1	
B1468	Booklet	✓		
B1469	Exempt Material		b7d	
B1470	Exempt Material		b1	
B1471	Letter	✓		
B1472	Letter	✓		
B1473	Exempt Material		b1	

Date 3/5/63

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-337335	Field Division NEW YORK
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Title and Character of Case
**COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C**

Date Property Acquired SEE BELOW	Source From Which Property Acquired SEE INDIVIDUAL LTR'S
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Location of Property or Bulky Exhibit VAULT	Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE & INFORMATION -RETAIN
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Description of Property or Exhibit and Identity of Agent Submitting Same **SEE BELOW**

- 1342. [REDACTED]
- 1343. [REDACTED]
- 1344. [REDACTED]
- 1345. [REDACTED] Pamphlet "When Conscience Speaks". Rec [REDACTED] by SA [REDACTED]
- 1346. [REDACTED] Leaflet advertising film "Morton Sobell - A Plea for Justice"
- 1347. [REDACTED] Leaflet entitled "Freedom for Morton Sobell."
- 1348. [REDACTED]
- 1349. [REDACTED]
- 1350. [REDACTED] Leaflet "Film Premiere" Morton Sobell - A plea for Justice. RTD
- 1351. [REDACTED] Mimeo ltr. re Sobell signed Rev. Peter McCormack.
- 1352. [REDACTED] Leaflet "When Conscience Speaks".
- 1353. [REDACTED] Los Angeles Sobell Comm.:
- 1354. [REDACTED]
- 1355. [REDACTED]
- 1356. [REDACTED]
- 1358. [REDACTED]

Field File #100-107111-1B210
#41

b7c,d

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 5 1963	
FBI - NEW YORK	

Bulky Exhibit - Inventory of Property Acquired as Evidence
FD-192 (Rev. 12-5-58)

Date 3/15/63

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-38735 Field Division NEW YORK

Title and Character of Case
**COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C**

Date Property Acquired SEE BELOW Source From Which Property Acquired SEE INDIVIDUAL 1B'S

Location of Property or Bulky Exhibit VAULT Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE & INFORMATION - RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same SEE BELOW

- 1358. [REDACTED]
- 1359. [REDACTED]
- 1360. [REDACTED]
- [REDACTED]
- 1361. [REDACTED]
- 1362. [REDACTED]
- 1363. [REDACTED]
- [REDACTED]
- 1364. [REDACTED]
- 1365. [REDACTED]
- 1366. [REDACTED]

b7c,d

Field File # 100-107111-1B211
#41

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
MAR 15 1963
FBI - NEW YORK

Bulky Exhibit - Inventory of Property Acquired as Evidence
FD-192 (Rev. 12-5-58)

Date 4/23/63.

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-387835 Field Division NEW YORK

Title and Character of Case

**COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C**

Date Property Acquired Source From Which Property Acquired

SEE BELOW

SEE INDIVIDUAL 1B'S

Location of Property or Bulky Exhibit Reason for Retention of Property and Efforts Made to Dispose of Same

VAULT

EVIDENCE & INFORMATION - RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same SEE BELOW

- 1367. [REDACTED] "Flyer" announcing 6/19/63 affair at Carnegie Hall, NYC, of CSJMS. Passed out at AFPJ Warswa Ghetto Celebration 4/21/63, NYC. Rec'd [REDACTED] by SA [REDACTED] pms
- 1368. [REDACTED] Circular re Sobell case Rally 6/19/63 Carnegie Hall, NYC.
- 1369. [REDACTED] Newspaper "Give a Day of Your Life" issued by DSJMS Obtained outside Manhattan Center [REDACTED] Rec'd

1370. [REDACTED]
1371. [REDACTED]

1372. [REDACTED]

1373. [REDACTED]

1374. [REDACTED]
1375. [REDACTED]

1376. [REDACTED]

1377. [REDACTED]

b7c,d

Field File # 100-107111-1B212
#41

SEARCHED	INDEXED
SERIALIZED	FILED
APR 23 1963	
FBI - NEW YORK	

Date 6/6/63

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-387835 Field Division NEW YORK

Title and Character of Case
COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C

Date Property Acquired SEE BELOW	Source From Which Property Acquired SEE INDIVIDUAL 1B'S
Location of Property or Bulky Exhibit VAULT	Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE & INFORMATION - RETAIN
Description of Property or Exhibit and Identity of Agent Submitting Same SEE BELOW	

- 1378. [REDACTED]
- 1379. [REDACTED] Flyer "New Evidence" in the Rosenberg-Sobell Case issued by CSJMS.
- 1380. [REDACTED]
- 1381. [REDACTED] mtd
- 1382. [REDACTED] U.S. Court of Appeals, 10/62 decision. Rec'd [REDACTED] by SA [REDACTED] pms (Serial 5346).
- 1383. [REDACTED]
- 1384. [REDACTED]
- 1385. [REDACTED] "Flyer" announcing [REDACTED] meeting of the Committee to Secure Justice for Morton Sobell, NYC. Rec'd [REDACTED] by SA [REDACTED] mtd
- 1386. [REDACTED] Sobell Committee leaflet announcing Carnegie Hall Meeting 6/19/63. Rec'd [REDACTED] by SA [REDACTED]
- 1387. [REDACTED]
- 1388. [REDACTED] Letter re Committee to Secure Justice for Morton Sobell, signed HELEN SOBELL. Rec'd [REDACTED] by SA [REDACTED]
- 1389. [REDACTED] Pamphlet, "The Facts in the Rosenberg-Sobell Case 1950-1963". Rec'd [REDACTED] by SA [REDACTED]
- 1390. [REDACTED] Business reply envelope to "Mrs. Morton Sobell". Rec'd [REDACTED]

Field File # 100-107111-1B213 #41

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SEARCHED	SERIALIZED
JUN 6 1963	
FBI - NEW YORK	

Date 6/19/63.

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-387835	Field Division NEW YORK
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Title and Character of Case

**COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C**

Date Property Acquired SEE BELOW	Source From Which Property Acquired SEE INDIVIDUAL 1B'S
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Location of Property or Bulky Exhibit VAULT	Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE & INFORMATION - RETAIN
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Description of Property or Exhibit and Identity of Agent Submitting Same **SEE BELOW**

- 1391. [REDACTED] pms
- 1392. [REDACTED] ECLC ltr. dtd. [REDACTED] signed Corliss Lamont. Rec'd [REDACTED] by SA [REDACTED]
- 1993. [REDACTED] Booklet "Facts in the Rosenberg-Sobell Case".
- 1394. [REDACTED] Sheet of poems re Sobell Case.
- NOTE: [REDACTED] rec'd [REDACTED] by SA [REDACTED]
- 1395. [REDACTED] Pamphlet with song by Edith Segal & poem by Ethel Rosenberg passed out at rally of Comm. To Secure Justice For Morton Sobell, 6/19/63, NYC.
- 1396. [REDACTED] Pamphlet entitled "The Facts in the Rosenberg-Sobell Case 1950-1963". passed out at 6/19/63 rally of Comm. SJMS, NYC.
- 1397. [REDACTED] CSJMS Booklet "The Facts in the Rosenberg-Sobell Case 1950-1963". Rec'd [REDACTED] by SA [REDACTED] pms
- 1398. [REDACTED] Leaflet - "Facts in the Rosenberg - Sobell Case - 1950 - 1963."
- 1399. [REDACTED] Poem pamphlet "If We Die" by ETHEL ROSENBERG.
- 1400. [REDACTED] 2 copies of the Script "Voices of Freedom".
- 1401. [REDACTED] Throwaway of NY School for Marxist Studies re: School is a summer Festival.
- [REDACTED]
- 1402. [REDACTED] Leaflet reporting meeting of Sobell Committee 6/19/63. Rec'd [REDACTED] by SA [REDACTED] mtd

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Field File # **100-107111-1B214**
#41

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 20 1963	
FBI - NEW YORK	

Date 7/19/63

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-387835 Field Division NEW YORK

Title and Character of Case
**COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C**

Date Property Acquired SEE BELOW Source From Which Property Acquired SEE INDIVIDUAL 1B'S

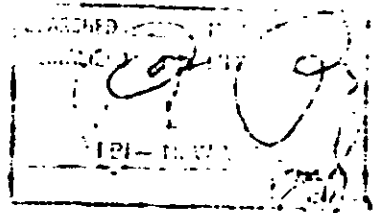
Location of Property or Bulky Exhibit VAULT Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE & INFORMATION - RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same SEE BELOW

- 1403. [REDACTED] 2 copies of Peter McCormack's Ltr.
- 1404. [REDACTED] " " " "The Facts of the Rosenberg - Sobell Case 1950-63.
- NOTE: [REDACTED] Above rec'd [REDACTED] by SA [REDACTED] See Ser. [REDACTED]
- 1405. [REDACTED]
- 1406. [REDACTED]
- 1407. [REDACTED]
- 1408. [REDACTED] Mimeo letter re 6/19/63 CSJMS Affair. Rec'd [REDACTED]
- 1409. [REDACTED] by SA [REDACTED] mtd
- 1410. [REDACTED]
- 1411. [REDACTED]
- 1412. [REDACTED] Reprint from 9/63 "The Progressive" issued by CSJMS.

b7c,d

Field File # 100-107111-1B215
#41



Bulky Exhibit - Inventory of Property Acquired as Evidence
FD-192 (Rev. 12-5-58)

Date 11/6/63.

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-287335 Field Division NEW YORK

Title and Character of Case

COM ITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C

Date Property Acquired SEE BELOW Source From Which Property Acquired SEE INDIVIDUAL 1B'S

Location of Property or Bulky Exhibit V.AULT Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE & INFORMATION - RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same SEE BELOW

- 1413. [REDACTED]
- 1414. [REDACTED]
- 1415. [REDACTED]
- 1416. [REDACTED]
- 1417. [REDACTED]
- 1418. Reprint of the "The Progressive" dtd. [REDACTED]
- 1419. [REDACTED]
- 1420. [REDACTED]
- 1421. [REDACTED]
- 1422. [REDACTED]
- 1423. [REDACTED]
- 1424. [REDACTED]

b7c,d

Field File # 100-107111-18216
#41

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 10 1963	
FBI - NEW YORK	

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-387835 Field Division NEW YORK

Title and Character of Case
COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C

Date Property Acquired SEE BELOW Source From Which Property Acquired SEE INDIVIDUAL 1B'S

Location of Property or Bulky Exhibit VAULT Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE & INFORMATION - RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same SEE BELOW

- 1425. [REDACTED] Ltr. on CSJMS letterhead.
- 1426. [REDACTED] Reprint from "The Progressive"
- 1427. [REDACTED]
- 1428. [REDACTED] Ltr. on CSJMS stationery "To Make Our Society Well."
Rec'd [REDACTED] by SA [REDACTED] pms
- 1429. [REDACTED] Business Reply Mail envelope addressed to "Room D,
940 Broadway, New York, N.Y. 10010".
- 1430. [REDACTED]
- 1431. [REDACTED] Ltr. dtd. 11/63, with ltr. head memo re Committee To
Secure Justice For Morton Sobell and signed by helen
L. Sobell.
- 1432. [REDACTED] 1 page of literature re The Progressive, dtd. 9/63.
- 1433. [REDACTED]
- 1434. [REDACTED]
- 1435. [REDACTED]
- 1436. [REDACTED]

b7c,d

Field File # 100-107111-1B217
#41

SEARCHED INDEXED
SERIALIZED FILED
DEC 10 1963
FBI - NEW YORK

Bulky Exhibit - Inventory of Property Acquired as Evidence
FD-192 (Rev. 12-5-58)

Date

2/6/64

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-367835 Field Division NEW YORK

Title and Character of Case

COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C

Date Property Acquired Source From Which Property Acquired

SEE BELOW

SEE INDIVIDUAL 1B'S

Location of Property or Bulky Exhibit Reason for Retention of Property and Efforts Made to Dispose of Same

VAULT

EVIDENCE & INFORMATION * RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same SEE BELOW

1437.
1438.

1439.

1440.
1441.
1442.

Business reply env. to Sobell Committee.
Mimeo pg. re: Committee to Secure Justice for
MORTON SOBELL.

1443.
NOTE:

Mimeo pg. re: Citizens full pardon for MORTON SOBELL.
Committee to Secure Justice for MORTON SOBELL.

1444.

Petition issued by CSJMS. Rec'd by SA

1445.

1446.
1447.
1448.

Facts in the Rosenberg-Sobell Case 1950-1963.
When Conscience Speaks pamphlet.
MORTON SOBELL Street Petition

1449.

1450.

Field File # 100-107111-1B218
#41

b7c

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 11 1964	
FBI - NEW YORK	

Date 4/10/64

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-387835 Field Division NEW YORK

Title and Character of Case
COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C

Date Property Acquired SEE BELOW Source From Which Property Acquired SEE INDIVIDUAL 1B'S

Location of Property or Bulky Exhibit VAULT Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE & INFORMATION - RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same SEE BELOW

- 1451. [REDACTED] Letter for freedom for MORTON SOBELL issued by CSJMS.
- 1452. [REDACTED] Petition for freedom for MORTON SOBELL issued by CSJMS.
- OTE: [REDACTED] above rec'd [REDACTED] by SA [REDACTED]
- 1453. [REDACTED] [REDACTED] by SA [REDACTED] mtm
- 1454. [REDACTED] Petition for Full Pardon for Morton Sobell. Rec'd [REDACTED] by SA [REDACTED]
- 1455. [REDACTED] Pamphlet "The Facts" in the Rosenberg-Sobell Case". Rec'd [REDACTED] by SA [REDACTED] mtm
- 1456. [REDACTED] [REDACTED]
- 1457. [REDACTED] [REDACTED]
- 1458. [REDACTED] Tape recording of Speech by MARSHALL PERLIN over radio station WBAI 6/1/64 at 9 30pm. Rec'd 6/1/64 by SA [REDACTED]
- 1459. [REDACTED] [REDACTED]
- 1460. [REDACTED] [REDACTED]
- 1461. [REDACTED] [REDACTED] mtm

b7c,d

Field File # 100-107111-1B219 #41

SEARCHED
SERIALIZED
APR 10 1964
FBI - NEW YORK

Date 6/26/64

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-387835 Field Division NEW YORK

Title and Character of Case COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C

Date Property Acquired SEE BELOW Source From Which Property Acquired SEE INDIVIDUAL 1B'S

Location of Property or Bulky Exhibit VAULT Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE & INFORMATION - RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same SEE BELOW

1462. [REDACTED] Thruaway re "Fly-Ins" for Morton Sobell dtd. [REDACTED]
Rec'd on [REDACTED] per SA [REDACTED] cjs

1463.
1464.

NOTE:
1465. [REDACTED]
1466. [REDACTED] 1 reprint of "NY Post" advertisement, 6/28/64.
1467. [REDACTED]

1468. [REDACTED] Ten page brochure "The Facts in the Rosenberg-Sobell Case 1950-1964." See ser. [REDACTED] Rec'd [REDACTED] by SA [REDACTED]

1469. [REDACTED]

1470. [REDACTED]

1471. [REDACTED] Letter re new book on Morton Sobell by Walter & Miriam Schneir.

1472. [REDACTED] Letter dtd 9/1/64 re comments by Sobell. irr

1473. [REDACTED] egb

b7c,d

Date 11/12/64

Check, when submitting semiannual inventory, if no previous correspondence with Bureau.

Bufile 100-387835	STATUS P.	Field Division NY	File# 100-107111-1B221
Title and Character of Case		OO: NY	File# 100-107111

COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL
IS-C

Date Property Acquired	Source From Which Property Acquired
SEE BELOW	SEE INDIVIDUAL 1B'S

Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
VAULT	EVIDENCE & INFORMATION - RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same **SEE BELOW**

1474. [REDACTED] Mimeographed letter dtd. [REDACTED] RE: SOBELL COMMITTEE.

1475. [REDACTED] letterhead [REDACTED] dtd. [REDACTED] from the Committee to Secure Justice for Morton Sobell.

1476. [REDACTED] egb

1477. [REDACTED] Ltr. from CSJMS signed by HELEN SOBELL.

1478. [REDACTED] Leaflet re a plea for pardon for MORTON SOBELL. pmd

1479. [REDACTED]

1480. [REDACTED]

1481. [REDACTED] b2d

1482. [REDACTED] CSJMS letter dtd [REDACTED]
1483. [REDACTED] Pardon petition captioned "You Must Care, President Johnson". irr

1484. [REDACTED]

1485. [REDACTED] Pages 184-186 of "EXCERPTS FROM ALCATRAZ". irr

1486. [REDACTED] Letter from CSJMS re Sobells transfer to Lewisburg Prison and some of his letters. Rec'd [REDACTED] by SA [REDACTED] ir

From File # 1B221
41.

b7c,d

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 1 1964	
FBI - NEW YORK	



b7d

1375
WHEN

CONSCIENCE

SPEAKS

A Sermon Delivered by
Reverend Samuel A. Wright, Jr.

WHEN CONSCIENCE SPEAKS

"The execution took place on August 23, 1927. . . . The troops were called out to protect the prison and the home of Judge Thayer, who never needed much of a guard because, for the few unhappy years he lived, he was a serviceable red tag for the 'reds.' Who judged Dreyfus? Who judged Mooney? A dead judge isn't of any use to the opposition. . . . Vanzetti said: 'I want to thank you for all you have done for me, warden. I want to tell you that I am innocent and that I have never committed any crime but sometimes some sin. I thank you for everything you have done for me. I am innocent of all crime, not only this, but all. I am an innocent man. I wish to forgive some people for what they are now doing to me.' The warden, who was in no way responsible, was hardly able to make the prescribed announcement after the execution."*

This was the report of Phil Stong, at that time feature writer for the North American Newspaper Alliance. I was 8 years old in 1927, but I do recall the question of injustice being raised at the dinner table, attached to the names Sacco and Vanzetti. I remember my father saying, "They must be guilty or they would not be executed." Sacco and Vanzetti were arrested during the great red hunt of 1920; a shoe workman and a pushcart fish peddler. As Phil Stong reported at the time of the trial, "There had been so much newspaper agitation against the murderous 'reds' that the chauvinistic louts on the jury would have convicted Bart Vanzetti of riding a broomstick if he had had a splinter in his finger. Being a wandering fish peddler, his alibi was worthless."*

I was just learning to walk when Sacco and Vanzetti were arrested, and I must admit that until a few weeks ago, these names were to me only some kind of a war-cry, like "Remember the Alamo," whenever someone felt there was an unjust accusation of a crime. As I read the reports of the case, I ran across this statement by a conservative editor of the Boston Transcript. "No, of course they weren't guilty. When you are familiar with the transcript, which you can't be through the newspaper reporting of the trial, you'll see that it's more or less insulting to anyone's intelligence to ask that question. . . . If they'd been railroaded intelligently it would have saved all this."*

* * * * *

I have recently finished reading the one thousand seven hundred and fifteen pages of transcript of the Rosenberg-Sobell "conspiracy" trial which resulted in the electrocution of Ethel and Julius Rosenberg, June 19, 1953, and the sentencing of Morton Sobell to thirty years in prison. It was because so much

to this trial, that I informed myself on that case also.

I must confess that I had not explored this matter before because I have great faith in our courts, and I know there are spies and it is the court's job to look after the matter, so why bother. I must also admit that I have felt for a long time that this Rosenberg-Sobell affair was a blurred picture, and was on my conscience, but when conscience speaks, it does make towards of us all; and if I did not look too deeply I might not need become concerned. Besides, I have much else that concerns me and the days are short.

However, on February 2nd, a Presbyterian clergyman who was just completing a lifetime in the ministry called on me at the church office. He introduced himself as the Reverend Peter Mc Cormack, Minister of Visitation of Saint John's Presbyterian Church in San Francisco and former protestant chaplain at Alcatraz. He said that he was there on behalf of Morton Sobell. I then recalled that it was Reverend Mc Cormack who after five years as chaplain at Alcatraz had signed a petition asking for a new trial for Morton Sobell (who was then in Alcatraz) and he was relieved of his job for being too zealous for the welfare of the prisoners.

I am afraid I gave this elderly Scotch minister a rough time, for it is written in the Panchatantra of around 300 B.C., "Guilty consciences always make people cowards," and Shakespeare picked up the refrain in Hamlet, "Thus conscience does make cowards of us all; and thus the native hue of resolution is sicklied o'er with the past cast of thought, and enterprises of great pith and moment with this regard their currents turn awry, and lose the name of action." I asked the Reverend Mc Cormack why I should be more concerned about Sobell than any of the other persons on whose behalf I might act or had acted. Hadn't the case been before the Supreme Court of the United States? I asked him why he was so concerned about one man over and above many others. I even asked him what role the Communist Party members had in this case--and how did he know that he was not being used by forces that were not at all interested in justice?

Very simply, he told me that as Chaplain at Alcatraz, he became personally closely acquainted with Morton Sobell, that from his more than 30 years in the parish ministry, he felt he knew Sobell well enough to say that he believed he was utterly incapable of what he was charged; that Morton Sobell was a man of professed convictions in the best things of our tradition. He said that out of his interest in the man, he acquired a copy of the trial transcript, and upon reading it became convinced of Sobell's innocence.

What Reverend Mc Cormack

the requirements for the kind of scholarly, independent and objective investigation necessary to raise the need for a reappraisal of the case, to the end that enough public opinion might be brought to bear so that new evidence and obvious perjury would open the matter for a new look, with the reflection that comes from the passage of time, and a freedom from fears and passions of a few years ago. Moreover, he pointed out, Morton Sobell, maintaining his innocence, remains imprisoned under a thirty year sentence, thus giving an urgency in human terms as well as in historical necessity.

I told the Reverend Peter Mc Cormack that if he would send me a copy of the trial transcript, I would carefully read it and give him my answer after I, in effect, done the independent investigation necessary for me to express an opinion. He sent me three booklets of the transcript which I still have to read. After reading the transcript carefully I have come to the same conclusion as Dr. Harold C. Urey, the world renowned atomic scientist of the University of Chicago, that "the proof of the guilt of Morton Sobell is far from satisfactory to me," and that "additional evidence substantiating my suspicions has convinced me that the jury's verdict of guilty was incorrect and that the Rosenbergs were not 'guilty beyond a reasonable doubt.'"

Well, what can be accomplished by bringing up these matters after the Rosenbergs have been executed? As Dr. Urey said, "This case is of interest to all who work on secret military matters, for such people are less secure than they were previously. This practice of giving immunity to criminals (as in this case) in payment for testimony is particularly pernicious. One criminal accuses another who again accuses another until perhaps an innocent person is accused and the chain is broken and we give the maximum punishment to the innocent person. The system encourages criminals. If you wish to commit a crime, pick out one of your 'friends' or a 'littive whom you do not like, compromise him in various ways (namely ask him to ask his physician about necessary inoculations for a trip to Mexico), then commit the crime and if caught give evidence against your 'accomplice' and go free! Or, perhaps someone else is doing this and you are the 'accomplice' without knowing it at all. The practice sets the stage for framing innocent people, and people who carry military secrets in their minds are particularly threatened. Moreover, communism and espionage are not fought by executing innocent people."*

Sobell and his family went to Mexico. The prosecution insisted that he went there to flee the country, and a card with the words "Deported from Mexico" stamped on it was presented in court as evidence of flight. Today there are official documents from the

Sobell. * He was taken from his family in Mexico City by men claiming to be Mexican secret police and charged with being a Johnny Jones who robbed a bank in Acapulco of \$15,000. He was refused a request to contact the American embassy, was beaten unconscious, driven to Laredo, Texas, and delivered to a waiting party of FBI agents. He had tourist cards in his own name; he declared his camera in Dallas, Texas, in his own name in order to avoid tariff on his return home. Sobell's airline tickets, visa, and camera declaration were in the FBI's possession until 1954, (three years after the trial) when they were then released to Sobell's attorneys who have incorporated them in the petitions which were recently before the courts. Another incredible thing in relationship to Sobell's trial is that only one witness testified that Sobell had been involved in a conspiracy. This witness, Max Elitcher, a boyhood friend and former classmate, and a confessed perjurer and inveterate liar, had the powerful motive of escaping a prison sentence when he acted as a witness for the prosecution. Judge Kaufman himself said when he instructed the jury, "If you do not believe the testimony of Max Elitcher as it pertains to Morton Sobell, then you must acquit the defendant Sobell." That jury in 1951 chose to believe Max Elitcher, and Judge Kaufman sentenced Morton Sobell to thirty years.

There are many aspects of this case into which I might go if I had the time this morning, so you might understand why I believe it is most important that this whole matter be reopened -- if for no other reason than our children's sake, because of the kind of climate which we bequeath the next generation! When conscience speaks, it does make cowards of us all, but some of us have been forced into the open in the cause of justice. I feel as Lord Bertrand Russell did when he wrote: "I am ashamed to say that at the time of the Rosenberg-Sobell trial I did not look into the evidence. I have now done so. I am almost certain that the Rosenbergs were innocent. . . . But the Rosenbergs are dead and nothing can be done for them. . . . Sobell, however, is alive and it is not too late for the U. S. Government to make some reparation to him."

To those of you who have never questioned the guilt of those convicted in the Rosenberg-Sobell case, this sermon no doubt comes as something of a shock. It comes as a shock to anyone who implicitly trusts the justice of American legal procedure. In speaking of the Rosenbergs, Dr. Harold Urey said, "People ask why the prosecuting attorney and the FBI and the judge should wish to see two insignificant people put to death unjustly. After considerable conversations with lawyers on this subject, including one who worked on the government side of this case, I concluded that lawyers are more interested in whether all the legal machinery functions according to all the rules, and are not in the least interested in the arguments which are important to me. There are exceptions, of course."

* The Rev. Irwin Gaede, Unitarian Church of Westwood, California

Personally, I do not know whether the Rosenbergs, or Morton Sobell are guilty or innocent. But I am convinced in my own mind that much more should be heard in a case where lies and counter lies are obviously in evidence. If we believe in the striving for justice and moral integrity in our country, this is a matter which concerns each of us. My conscience will not let this matter lie.

Do you recall a senate investigating committee wondering how it could be possible that the Russians could have sent two sputniks into outer space while we had sent none and deciding to inquire of David Greenglass in Lewisburg penitentiary -- the same David Greenglass whose testimony sent his sister and brother-in-law (the Rosenbergs) to the electric chair? The committee came forth with the statement that the Rosenbergs had given space travel information to the Russians more than ten years ago -- the inference apparently being that we knew how to launch a successful satellite over a decade ago, but that by stealing our "secrets" the Russians beat us into outer space! Would any reputable scientist confirm such a story? Yet this statement was made by the same man who was the chief witness in the Rosenberg-Sobell trial.

The Dreyfus affair in France, the Sacco-Vanzetti case in our country, the political climate of the early 1950's, with the loose nature of conspiracy charges where little was needed to convict, the plausibility of evidence by perjurers and self-confessed spies, all this weighs upon my conscience. The climate in which the Rosenberg-Sobell case was heard bordered on the hysterical. It was a fearful time to speak out. I signed a petition (a citizen's constitutional method of expression) and made the front page of the Boston Traveler, with all the inference that I was part of a plot to overthrow the United States Government and turn it over to the Soviet Union! There was very little sanity about, and it seemed as if the world had gone a little mad.

I must confess that I, too, was a little mad. I could have done much more than I did. The mark of madness is disorientation, and I think even today the religious liberal has badly lost his sense of direction. We are confused, bewildered, and thwarted. In these turbulent and challenging times, emotions well up to seek expression; but the liberal cannot merely emoté, he must reason his reaction and understand in order to believe. He must believe in order to act, even as he must act to affirm his belief. He is suspicious of authority, allergic to propaganda, yet he must have information in order to understand. Being overwhelmed by competing, often conflicting propagandas, he is confused, thwarted, maladjusted.

Someone coined the phrase, "We suffer the paralysis of analysis." True as this is it does not describe what seems to be the basic malady. The

in moral law. The detachment of moral law from superstitious sanctions has reduced its impressiveness. With no Hell and no wrath of God to punish the wrong doer, evil has become less frightening, and so with other dogmas of religion. What we often fail to see is that dogmas come and go but the values and the sense of enduring purposes which these things symbolized are the foundation of civilization. And when they have gone, so has each civilization in history.

Since the end of the second world war we have talked about the despatchness of our situation and have acted as though it were not desperate at all. We are schizoid -- a nation with a split personality. And it is high time we became cured of it. This is not just a matter of government. I happen to know among many business concerns it is a common practice to employ specialists in the avoidance of taxes. A battle of wits goes on between those who draft tax bills and those who search for loopholes in the legislation. This is not illegal; but then neither is it illegal for a collector of taxes to buy an automobile at a friendly price. It is a matter not of legality but of morality. The next step, of course, comes when the collector is expected to favor the automobile dealer when he finds himself in tax difficulties. Of course you can say why be fussy? Why not get wise and do what everybody else does? Lobbyists for big concerns succeed in influencing legislation. The newspapers are not honest. They seldom print what might reduce their advertising. Even the churches are not honest. How often do they preach the truth to the big contributors? This disease is international in scope -- attacking nations, groups, and individuals. It is a philosophy of reaction which in the early 1950's, in fear of real or imagined threats to the status quo, took refuge in name-calling, suppressive activities, the illusion of infallibility, and the refusal to tolerate disagreement however sincere. It is the philosophy of the pseudo-radical, the militant revolutionist who would overthrow by violence one form of tyranny only to put in its place a more sweeping, more dictatorial tyranny of another sort. It is not new. It is as old as history. It conducts inquiries (whether called fascists or communists) lurking around every corner of social change, hiding under the beds of respectable citizens, or threatening the masses. My point is that liberals in religion have allowed themselves to be taunted by those who personify the exact opposite. Citizens who pride themselves upon democracy in religious matters often prove intolerant -- even aggressively authoritarian -- in politics or industrial relations. I heard them try to outlaw the same party and for the same reasons of hysteria that led us to bill Hitler after World War I "as a bulwark against communism." We too easily forget that this means our political party may be outlawed tomorrow by majority rule. Preachers of the open mind in theological matters often become vehement with those who hold opposing views in other

If a person's religion is a way of life, a religious liberal in one area presupposes a liberal position in the others. The alternative is schizophrenia.

When conscience speaks, religious liberals often tend to become frustrated. The lack of an orientation, a yardstick, hamstrings action. Feeling strongly, yet prevented from expressing their feelings through action, many of us have become maladjusted. "Thus conscience does make cowards of us all; and thus the native hue of resolution is sicklied o'er with the pale cast of thought, and enterprises of great pith and moment with this regard their currents turn awry, and lose the name of action."

By action in consonance with our beliefs, we may restore our sanity.

Transcribed by Hazel Stevenson

A Sermon Delivered on April 12, 1959
by
SAMUEL A. WRIGHT, Jr.
Minister

THE UNITARIAN CHURCH OF MARIN

Meeting in the
Tamalpais Centre Women's Club
Kentfield, California

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VARIETY

Wednesday, November 7, 1962

Can a Pleading Film 'Free Sobell?'

Makers of Documentary 'Incognito Until Prisoner Springs — Example of Birdman' Not Encouraging

A half-hour 16mm documentary has been produced for the sole purpose of persuading the U.S. Parole Board that Morton Sobell, imprisoned 13 years now on a charge of conspiracy to commit espionage, of which he consistently has pleaded innocent.

The film, titled "Morton Sobell: A Plea for Justice," is said to have been made by top people in the documentary field who want to remain anonymous "on out identify themselves." They worked gratis under the banner of Veritas Productions and feature in the picture such persons as Dr. Harold C. Urey, Nobel prize scientist; law professor Malcolm P. Sharp of the U. of Chicago; old Socialist dental nominee Norman Thomas

and Los Angeles television commentator Lew Erwin. In addition, the film is designed for use by art theatres and tv stations. The soundtrack will be made available to be sent abroad. Also, it's to be sent for dubbing and distributing. Sobell is now serving a 30-year sentence at the Federal Penitentiary in Atlanta. This is believed specifically has been a film the sole thought in which a plea for justice was made with of freeing of Alcatraz. Birdman Lancaster star, croned man. Burt release of a prisoner, the Burt release of a behind bars, now 72, with 50 years behind bars, but the Federal authorities are cold to its message. The prisoner is Robert Stroud.

Dr. Harold C. Urey
Atomic Scientist

Norman Thomas

Lew Erwin
Los Angeles
TV Commentator

Prof. Malcolm Sharp
Univ. of Chicago
Law School

Steven Love
Noted
Illinois Lawyer

Rev. Dr. Erwin Gaede

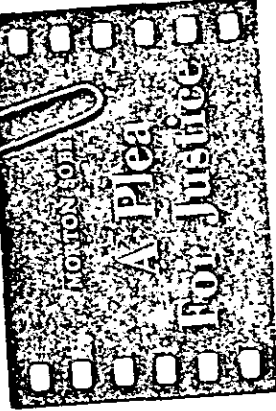
Mrs. Eleanor Piel
and

Marshall Perlin
Lawyers for
Morton Sobell

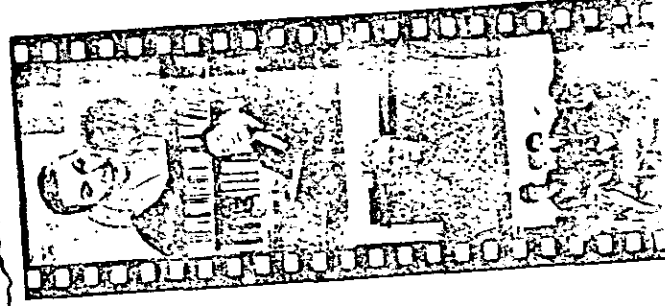
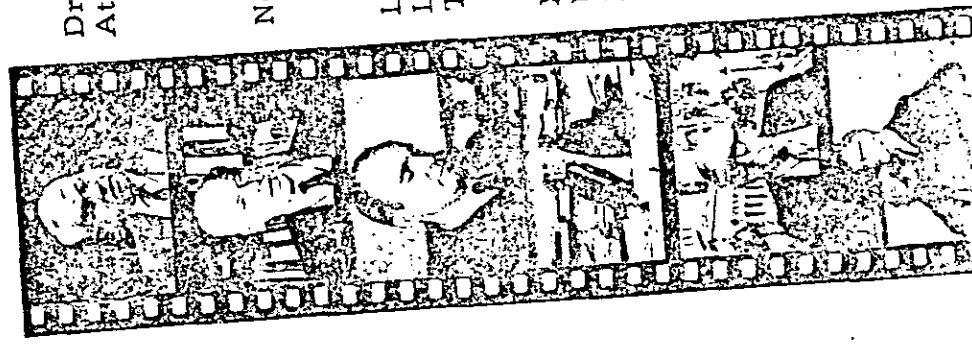
Rose Sobell
His Mother

Helen Sobell
His Wife

and
Mark Sobell
His Son



Featuring—



The first print of the new film has been given to the United States Parole Board in support of Morton Sobell's plea for freedom. Following are excerpts from appeals to the Board by notables. (Affiliations are given for identification only.)

DR. GARDNER MURPHY, The Menninger Foundation: "My views coincide with those of Professor Harold Urey, whose logic seems to me to prove the utter falsity of the case against Morton Sobell. I believe moreover that American democracy is gravely imperiled by the existence of such cases and by the techniques of delay and evasion used to avoid swift and reasonable action."

DWIGHT MACDONALD, author and critic: "Morton Sobell has now served 12 years, surely enough and more than enough punishment for a defendant who is not even accused of atomic espionage and against whom the Government's main charge was not that he had actually handed over any military secrets but rather that he had attempted to get others to do so, whether successfully or not the trial record, which I have read, doesn't make clear."

DR. JOHN C. BENNETT, Union Theological Seminary: "The granting of this request (parole) would be a mark of confidence in our institutions and it would indicate that our government seeks to protect individuals who have been victims of injustice in part because of the intensity of public feeling at the time when they were tried and sentenced."

DONALD E. J. MacNAMARA, New York Institute of Criminology: "I know that in these political cases members of the parole board are likely to meet with criticism from the 'radical right' and the 'super-patriots' if they vote for release, but I have confidence that you and your colleagues will judge the Sobell case on its merits."

LORD BERTRAND RUSSELL, England: "He was tried under the wrong law by the sole and uncorroborated testimony of an acknowledged perjurer whose perjury goes unpunished. . . Twelve years is long enough for vengeance, guilty or innocent. But this is an innocent man. An innocent man."

SYDNEY SILVERMAN, M. P., England: "The conviction and sentence of Morton Sobell, the refusal to review it or re-try it, and the previous refusal of the parole have done the credit of the U. S. of America much harm in the minds of those who would like to be its friends all over the world."

Others urging Sobell's release include: 1500 clergymen * Prof. Edmund Cahn, N. Y. U. Law School * Prof. Thomas Emerson, Yale Law School * 30 members of British Parliament * Queen Elizabeth, Queen Mother of Belgium * Pablo Casals * Dr. Martin Buber, philosopher, and 30 noted Israelis * Norman Thomas * Roger Baldwin * Dr. Reinhold Niebuhr * Rev. Martin Luther King, Jr. * Writers James T. Farrell, Robert Bolt, Doris Lessing, Kenneth Tynan, Alan Sillitoe, Arnold Wesker, Maxwell Geismar, Lewis Mumford, Waldo Frank * U. S. Senator Lee Metcalf * Clarence Pickett * Women's International League for Peace and Freedom * Prof. John M. Krumm, Chaplain, Columbia University * Dr. Simon Greenberg, Jewish Theological Seminary * Rabbi Maurice Eisendrath * Dr. Linus Pauling

Sobell 3/1/63

An Urgent

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**FREEDOM
FOR
MORTON
SOBELL**



Reverend John Haynes Holmes
Professor Victor Paschke
Reverend A. J. Muste
Rabbi Harry Halpern
Jerome Nathanson
Maxwell Geismar
Murray Kempton
Dr. Leo Mayer
Max Eastman
Conrad Lynn
Howard Radest
John F. Finerty
Norman Thomas
Dr. Horace Kallen
Dwight Macdonald
Dr. Reinhold Niebuhr
Reverend Thomas Kilgore
Reverend Donald Harrington

Morton Sobell has been in prison for nearly ten years. The charge: conspiracy to commit espionage. The sentence: 30 years. Mr. Sobell has from the beginning maintained his innocence. Many who have studied the trial record of his case are convinced of a miscarriage of justice.

Invite you to

read this summary of a meeting, attended by 600 persons, which we, the above, sponsored to discuss an urgent public issue: The CASE OF MORTON SOBELL. The meeting was held at the Community Church of New York on May 24th.

Chairman WILLIAM M. KUNSTLER, attorney, associate professor at New York Law School, author of radio program "Justice" and moderator of "Pro and Con" program, WMCA radio:

Before giving you a little background on the Sobell case, I want to make it quite clear that I am speaking for myself and not for any of the institutions with which I am associated. The Rosenberg and Sobell cases were, unfortunately, intertwined. When the joint case went to the three-judge Court of Appeals for the Second Circuit, Judge Jerome Frank dissented. He voted to give Sobell a new trial on the ground that Hon. Irving R. Kaufman, the trial judge, had permitted the case to go to the jury with only one conspiracy pointed out when in reality there might be two conspiracies, the one in which Sobell might have been involved having, as Judge Kaufman himself admitted, no "connection with the atom bomb project."

While I believe the Rosenbergs were guilty, it is questionable whether there was sufficient evidence against Sobell to have gone to the jury. My study of the case indicates the possibility that he may be innocent, but in any event, I feel that his sentence was unjustifiably severe and that the ten years he has spent in Alcatraz and Atlanta are ample punishment.

The chief witness against Sobell was a former friend named Max Elitcher. In his testimony, which was totally uncorroborated, he said that Sobell had inducted him into the Communist Party. Elitcher mentioned a number of conversations in which he said Sobell had asked him to (1) obtain espionage recruits, (2) obtain classified information about fire control systems, and (3) remain with the Navy Department. He also stated that Julius Rosenberg had mentioned Sobell at one time as being part of an espionage group.

There was one other portion of Elitcher's testimony that suggested that Sobell was involved in some sort of nebulous contact with some very unspecific espionage. Elitcher said that he drove to New York from Washington in the summer of 1948 and when he arrived at Sobell's home in Flushing, informed him that he thought he had been followed by several cars on the trip north. He testified that Sobell became very agitated and asked him to drive with him in his car to the neighborhood in Manhattan where Julius Rosenberg lived. While Elitcher remained sitting in the car, Sobell disappeared for half an hour with what Elitcher thought looked like a can of 35 mm film.

On cross-examination, Elitcher admitted he was extremely frightened by the fact that he had lied under oath on an application for government employment and that he was worried about a perjury prosecution. But he admitted that he had hopes "that the best will happen to me."

The only other evidence against Sobell consisted of proof that he left for Mexico in June of 1950 before the arrest of Julius Rosenberg. He informed William Danziger, a former City College classmate, that he was taking a vacation with his family. While in Mexico, he used various aliases and made trips to the Mexican seaports of Vera Cruz and Tampico.

What may have hurt Sobell the most so far as the jury was concerned, was his failure to testify at the trial. This was, of course, a decision made by his attorneys. If I had been conducting his defense I don't know what I would have done on this score. But in the light of hindsight, I think this worked against him, particularly as it left unanswered Elitcher's accusations, the reasons for the Mexican trip and the use of aliases. It was a calculated risk at best, the more so when one recalls that the North Korean aggression, which started in June of 1950, had put some heat into the cold war. In the light of this country's understandable reaction, Morton Sobell's silence was a grave mistake and undoubtedly contributed to his conviction.

DWIGHT MACDONALD, author, critic, writer for the NEW YORKER and ESQUIRE magazines:

I'm here because I believe Morton Sobell has been unjustly treated. The nine years he has served are more than enough punishment for the crime of which he was convicted. I've read the entire court record of the Rosenberg-Sobell case and I must say I think they received a fair trial. I'm also sorry to say that I think Sobell was guilty beyond reasonable doubt.

Nevertheless, it was never clear why in the world Sobell should have been tried along with the Rosenbergs. When he sentenced Sobell, Judge Kaufman said: "The evidence in the case did not point to any activity on your part in connection with the atomic bomb project," which is quite explicit. And then he went on to sentence him to 30 years.

Now this is a fantastic sentence, even if you think as I do that Sobell was guilty. (I may be wrong, I hope I am wrong.) But anyway, the only thing he was shown to have done was extremely vague and nebulous. I don't remember a single piece of concrete data which Elitcher was able to bring up that was actually passed on.

I don't understand why the Supreme Court, which in general has been quite good in the last ten years, didn't do something about this whole case. I opposed the death sentence against the Rosenbergs on moral grounds, and on the practical ground that Judge Kaufman and the people who allowed the thing to go through dealt a very great blow to the United States throughout the world. This country appears especially bad when you think of the sentences that England imposed on Alan Nunn May, and especially Klaus Fuchs. May got 10 years. Fuchs got 14 and was released a year or so ago after serving nine years.

The Rosenbergs are dead. We can't do anything about this miscarriage of justice. But justice can still be done to Morton Sobell, and also to Harry Gold, who unlike Sobell, cooperated fully with the American authorities and yet was given 30 years.

NORMAN THOMAS:

My own position on the Sobell case is admirably summarized in this very succinct statement which has been widely given out (study by group of theologians and law professors including Dr. Reinhold Niebuhr, and Professor Edmond Cahn of the New York University law school, calling the case against Sobell "vague in content and slender in proof" and asking commutation of sentence). I am quite convinced that Mr. Sobell should have had another trial, in view of the facts cited here and also in view of the dubious administration of due process in the manner in which he was hauled out of Mexico. I was disappointed that the Supreme Court did not grant that trial. Of myself, I am not convinced by what I have read, either of his complete innocence or of his guilt.

This case demonstrates a peculiarly twisted idea of justice. Suppose Mr. Sobell were guilty as charged. What kind of justice is it that gives him 30 years sentence, six years in Alcatraz, and still refuses to consider any kind of reduction? Men have committed horrible crimes of which there has not been the slightest doubt and got the sentence of 10 years, 15 years, and have been admitted to parole. But not Sobell.

Under our law we have denied the existence of a special category of political prisoners. They're all criminals -- the gangster, the murderer, the rapist -- and so is the Communist and we treat them all alike. But we don't. The embezzler, yes the murderer, has a better chance of getting parole under certain circumstances.

This is a shame to the country. It's a weakness that we, so strong -- that we who dare to say we lead the free world, that somehow, somewhere inside us there is such a spirit of fear, of dread, of hate, or vengeance that we mete out 30 years to Sobell for what he did, without mercy. And God knows we mete out perhaps death to Henry Winston, a Smith Act prisoner whose sight is almost gone through a brain tumor. But the sentence still stands, no mercy, no parole.

Men who are too sophisticated to say it, men who perhaps won't admit it to themselves, those men carry on their misconceptions of justice and mercy because they think you and I like it.

REVEREND PETER McCORMACK of San Francisco, former Protestant chaplain at Alcatraz while Morton Sobell was imprisoned there:

"Best wishes for a successful meeting. Truth and justice will prevail. Morton Sobell will be vindicated. Hundreds of clergy who signed the clergy appeal stand fast in their belief that Sobell is innocent. We join you in urging his release."

MRS. MORTON SOBELL:

If those who believe that Morton is guilty are willing to stand up here on this platform tonight and ask for his release, how much more is it my responsibility, who know his innocence to ask that you be concerned with this case!

We are going back into the courts to ask for a new trial, which would surely vindicate my husband. During the last year we have seen many requests for a commutation and for a new trial of Morton's case, including appeals by professors of law at New York, Chicago, Yale, Cornell and Northwestern Universities. Almost one thousand clergymen have asked for Morton's freedom. The Women's International League for Peace and Freedom has asked for a re-examination of this case, as has the California Democratic Council in a meeting of 3,000 delegates. There have been, among others, editorials in the CHRISTIAN CENTURY, the PORTLAND OREGONIAN, the MILWAUKEE JOURNAL. On the world scene, Lord Bertrand Russell, Martin Buber, a group of 15 prominent Israelis, Pablo Casals, Jean-Paul Sartre, and many others have asked for Morton's freedom.

This decade has not been lacking in sorrow and suffering for us as a family. We wanted, Morton and I, to have more children together. We wanted to live normal lives. Despite prison, we have tried to do this in every way we could. We love each other dearly. For the sake of children, and because Morton is a fine person and a competent scientist, we need him at home. Please help.

ROGER BALDWIN, Chairman, International League for the Rights of Man:

"I am opposed to the continued imprisonment of Morton Sobell on the ground that the sentence was far too excessive for the offense, dictated by the hysteria then surrounding spy charges. The injustice done under the pressures of the time should be righted, so far as that is possible, by a speedy commutation to the time served, already too long."

CAREY McWILLIAMS, editor of the Nation magazine:

"I have always thought that Sobell was improperly convicted and that the evidence against him was wholly insufficient. This is no recent conviction. I have thought this way for a long time, and had occasion to say so at a Sobell dinner meeting in Chicago quite some years ago."

CONRAD LYNN, attorney specializing in the civil liberties field:

I can't claim to come here tonight with a dispassionate view of the evidence against Sobell. By nature, I am a partisan. I want to congratulate not only the speakers, but this audience. It's a sign that the McCarthy period is coming to an end.

We once again see stirring the spirit that animated the rebel, Patrick Henry, to say, "Give me liberty or give me death." We're getting more of that spirit from those Southern Negro students. There is an upsurge, not just of Negroes. Because their conditions are the most severe, it is only natural that they should make the first break. This resurgence is the guarantee we have that political prisoners such as Morton Sobell will be free.

At the time that Morton Sobell was convicted, we had a classic instance of the pressure and influence of the mob spirit, and I say mob spirit because any mass pressure for conviction, regardless of evidence, is a mob spirit.

Regardless of the minutiae of evidence and regardless of the debates over whether this bit should have turned the scales or that bit, when we know that this savage sentence was meted out in the atmosphere of the time in which it was rendered, then we have an obligation at another period such as this to demand a review.

**UNITED STATES CONGRESSMAN RANDALL S. HARMON, Democrat,
10th District, Indiana:**

I consider it my duty to participate in this meeting because wherever there are questions of justice involved, every American should examine the facts. It is good that men of conscience and integrity who are highly respected throughout the country are uniting to sponsor this public discussion in the case of Morton Sobell. I have looked into Sobell's case and I am convinced that the 30-year sentence is completely out of line.

Mr. Sobell, now in his 10th year of prison, has always maintained his innocence. The possibility that an innocent man is imprisoned calls for careful study and positive action. It would, I believe, be in the public interest that Sobell be freed, and I intend to do everything in my power to see that this be done as quickly as possible.

I don't know anything about the other people that were involved in this same case. I've never thought that capital punishment was the answer. Perhaps one reason why Morton Sobell has been imprisoned this long and why they won't give him another day in court is because it might be discovered that these other people were also innocent.

**HOWARD RADEST, minister and leader of the Bergen, New Jersey,
Ethical Society:**

I think the innocence or guilt of a human being is not to be bandied in words before a large audience. What I am concerned about is the strange picture of human beings in the middle of the 20th century, with so many big things going on, who are willing to devote time and energy and effort to consider the fate of one single living human being. If we should ever lose this ability to be concerned about one, then whatever else we gain, we have indeed lost. The important thing that you can do as you go home is to let others know about the case and about what is being done. This would be just as important as those who can give money. Do both.

CONGRESSMAN WILLIAM MEYER, Democrat, Vermont:

"I am not trained in the law but I have attempted to study the background. This effort convinced me that Morton Sobell did not receive a fair and adequate trial. I have corresponded with the President and have urged him to consent to a new trial. Although, I have been unsuccessful, I am even more convinced that a new trial is essential to the maintenance of American standards of justice. I make no reference to innocence or guilt; I make no pleas for clemency or mercy. In asking or demanding that impartial justice be rendered to one man regardless of conditions, I am aware of the fact that I speak out for the future of all men."

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FILM PREMIERE

Dramatic Documentary Probing The
Public Issue On America's Conscience

MORTON SOBELL -
"A PLEA FOR JUSTICE"

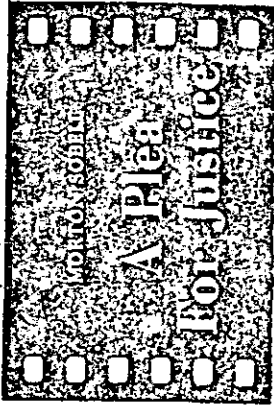


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WITH HUMANITY
AND JUSTICE



Featuring—



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Atomic Scientist

Norman Thomas

Lew Erwin
Los Angeles
TV Commentator

Prof. Malcolm Sharp
Univ. of Chicago
Law School

Steven Love
Noted
Illinois Lawyer

Rev. Dr. Frank Goodrich

VARIETY

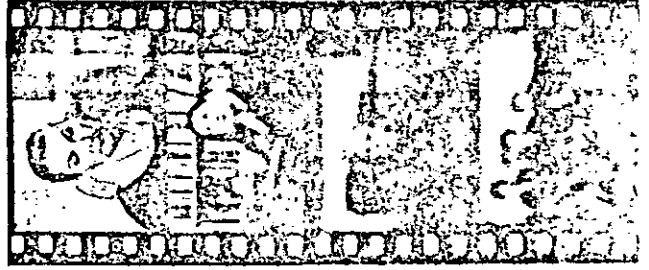
Wednesday, November 7, 1952

Can a Pleading Film Free Sobell?

Makers of Documentaries Examine U.S. Prisoners' Spring — Examples of Testimony and Interrogating

A new film, "A Plea for Justice," is being shown in many cities. It is a documentary about the lives of the prisoners in the Federal House of Detention in New York City. The film is a plea for justice for the prisoners who are being held in the Federal House of Detention in New York City. The film is a plea for justice for the prisoners who are being held in the Federal House of Detention in New York City.

The film, titled "A Plea for Justice," is said to have been made by top people in the documentary field who want to remain anonymous now, but will identify themselves "on the day of the trial." They worked gratis under the banner of Veritas Productions and feature in the picture such persons as Dr. Harold C. Urey, Nobel Prize scientist; law professor Malcolm P. Sharp of the University of Chicago; old Socialist presidential nominee Norman Thomas



Mrs. Eleanor Piel
and

Marshall Perlin
Lawyers for
Morton Sobell

His Mother

Helen Sobell
His Wife

and
Mark Sobell
His Son

APPEALS
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"MORTON SOBELL --
A PLEA FOR JUSTICE"

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29 minutes, 10 seconds

SOBELL COMMITTEE
940 Broadway
New York 10, N. Y.

I wish to borrow purchase
a print of the new Sobell film

Enclosed find \$ _____

Please send me more information on the Sobell case.

I wish to contribute \$ _____
to help circulate the film.

name _____

address _____

The first part of the new film has been given to the United States Parole Board in support of Morton Sobell's plea for freedom. Following are excerpts from appeals to the Board by notables. (Affiliations are given for identification only.)

DR. GARDNER MURPHY, The Menninger Foundation: "My views coincide with those of Professor Harold Urey, whose logic seems to me to prove the utter falsity of the case against Morton Sobell. I believe moreover that American democracy is gravely imperiled by the existence of such cases and by the techniques of delay and evasion used to avoid swift and reasonable action."

DWIGHT MACDONALD, author and critic: "Morton Sobell has now served 12 years, surely enough and more than enough punishment for a defendant who is not even accused of atomic espionage and against whom the Government's main charge was not that he had actually handed over any military secrets but rather that he had attempted to get others to do so, whether successfully or not the trial record, which I have read, doesn't make clear."

DR. JOHN C. BENNETT, Union Theological Seminary: "The granting of this request (parole) would be a mark of confidence in our institutions and it would indicate that our government seeks to protect individuals who have been victims of injustice in part because of the intensity of public feeling at the time when they were tried and sentenced."

DONALD E. J. MacNAMARA, New York Institute of Criminology: "I know that in these political cases members of the parole board are likely to meet with criticism from the 'radical right' and the 'super-patriots' if they vote for release, but I have confidence that you and your colleagues will judge the Sobell case on its merits."

LORD BERTRAND RUSSELL, England: "He was tried under the wrong law by the sole and uncorroborated testimony of an acknowledged perjurer whose perjury goes unpunished... Twelve years is long enough for vengeance, guilty or innocent. But this is an innocent man. An innocent man."

SYDNEY SILVERMAN, M. P., England: "The conviction and sentence of Morton Sobell, the refusal to review it or re-try it, and the previous refusal of the parole have done the credit of the U. S. of America much harm in the minds of those who would like to be its friends all over the world."

Others urging Sobell's release include: 1500 clergymen * Prof. Edmund Cahn, N. Y. U. Law School * Prof. Thomas Emerson, Yale Law School * 30 members of British Parliament * Queen Elizabeth, Queen Mother of Belgium * Pablo Casals * Dr. Martin Buber, philosopher, and 30 noted Israelis * Norman Thomas * Roger Baldwin * Dr. Reinhold Niebuhr * Rev. Martin Luther King, Jr. * Writers James T. Farrell, Robert Bolt, Doris Lessing, Kenneth Tynan, Alan Sillitoe, Arnold Wesker, Maxwell Geismar, Lewis Mumford, Waldo Frank * U. S. Senator Lee Metcalf * Clarence Pickett * Women's International League for Peace and Freedom * Prof. John M. Krumm, Chaplain, Columbia University * Dr. Simon Greenberg, Jewish Theological Seminary * Rabbi Maurice Eisendrath * Dr. Linus Pauling

From The
REVEREND PETER MCCORMACK
SAN FRANCISCO, CALIFORNIA
Former Protestant Chaplain at Alcatraz

Dear Friend:

During my period of service at Alcatraz, I came into close contact with all of the prisoners. I feel satisfied that I can evaluate human character quite accurately.

Through the years of my association at Alcatraz with Morton Sobell, I became more and more impressed with his innocence. This led me to make a studied investigation of his record at the prison as well as the trial record of the Rosenberg-Sobell case. The more I studied, the more convinced I became of the man's innocence. I feel so keenly about this case, and to state it frankly, somewhat ashamed that the courts of our land could be so influenced by public opinion fed by the hysteria of the McCarthy era, that I have set out in an address under the title "ALCATRAZ WAS MY PARISH" my evaluation of the man and the injustice perpetrated upon him by detaining him still in Atlanta penitentiary.

He is a man of fine intellect, of noble character, healthy-minded, a loyal American, a devoted husband and father, a noble son of humble but noble family. Yet the record still shows that here is a man, falsely accused, cruelly treated, sentenced on the flimsy testimony of a self-confessed perjurer and still suffering within prison walls.

The cry for justice has sounded many times through the centuries from the time of Amos the Prophet down to the present. To me no cry has had such merit to it as the cry for justice for Morton Sobell. I am satisfied if the Clergy of this land, whose mission it is to "seek justice and judgment," would acquaint themselves with this case, the relentless pressure of that segment of public opinion would compel our courts to re-open the case, freeing it from perjury, politics and prejudice, and in the light of honor and truth restore Morton Sobell to his rightful place as an American citizen, a man vindicated by the weight of public opinion and the justice and honor that we are entitled to expect to emanate from the courts of our land.

Sincerely yours,

Rev. Peter McCormack
Rev. Peter McCormack

Please read this testimony to Morton Sobell from his chaplain at Alcatraz. We must match his courage with our courage until justice is granted. Will you join with the hundreds of clergymen from various parts of the country who have signed the enclosed appeal?

Thomas Kilgore, Jr.
Rev. Thomas Kilgore, Jr.
Friendship Baptist Church
New York, New York

Paul Lehmann
Dr. Paul Lehmann
Harvard Divinity School
Cambridge, Massachusetts

Jacob J. Weinstein
Rabbi K AM Temple
Rabbi Jacob J. Weinstein
930 East 50th Street
Chicago, Illinois

Roland H. Bainton
Professor Roland H. Bainton
Yale Divinity School
New Haven, Connecticut

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WHEN CONSCIENCE SPEAKS

A Sermon Delivered by
Reverend Samuel A. Wright, Jr.

WHEN CONSCIENCE SPEAKS

"The execution took place on August 23, 1927. . . . The troops were called out to protect the prison and the home of Judge Thayer, who never needed much of a guard because, for the few unhappy years he lived, he was a serviceable red tag for the 'reds.' Who judged Dreyfus? Who judged Mooney? A dead judge isn't of any use to the opposition. . . . Vanzetti said: 'I want to thank you for all you have done for me, warden. I want to tell you that I am innocent and that I have never committed any crime but sometimes some sin. I thank you for everything you have done for me. I am innocent of all crime, not only this, but all. I am an innocent man. I wish to forgive some people for what they are now doing to me.' The warden, who was in no way responsible, was hardly able to make the prescribed announcement after the execution."*

This was the report of Phil Stong, at that time feature writer for the North American Newspaper Alliance. I was 8 years old in 1927, but I do recall the question of injustice being raised at the dinner table, attached to the names Sacco and Vanzetti. I remember my father saying, "They must be guilty or they would not be executed." Sacco and Vanzetti were arrested during the great red hunt of 1920: a shoe workman and a pushcart fish peddler. As Phil Stong reported at the time of the trial, "There had been so much newspaper agitation against the murderous 'reds' that the chauvinistic louts on the jury would have convicted Bart Vanzetti of riding a broomstick if he had had a splinter in his finger. Being a wandering fish peddler, his alibi was worthless."*

I was just learning to walk when Sacco and Vanzetti were arrested, and I must admit that until a few weeks ago, these names were to me only some kind of a war-cry, like "Remember the Alamo," whenever someone felt there was an unjust accusation of a crime. As I read the reports of the case, I ran across this statement by a conservative editor of the Boston Transcript. "No, of course they weren't guilty. When you are familiar with the transcript, which you can't be through the newspaper reporting of the trial, you'll see that it's more or less insulting to anyone's intelligence to ask that question. . . . If they'd been railroaded intelligently it would have saved all this."*

* * * * *

I have recently finished reading the one thousand seven hundred and fifteen pages of transcript of the Rosenberg-Sobell "conspiracy" trial which resulted in the electrocution of Ethel and Julius Rosenberg, June 19, 1953, and the sentencing of Morton Sobell to thirty years in prison. It was because so much

to this trial, that I informed myself on that case also.

I must confess that I had not explored this matter before because I have great faith in our courts, and I know there are spies and it is the court's job to look after the matter, so why bother. I must also admit that I have felt for a long time that this Rosenberg-Sobell affair was a blurred picture, and was on my conscience, but when conscience speaks, it does make cowards of us all, and if I did not look too deeply I might not need become concerned. Besides, I have much else that concerns me and the days are short.

However, on February 2nd, a Presbyterian clergyman who was just completing a lifetime in the ministry called on me at the church office. He introduced himself as the Reverend Peter Mc Cormack, Minister of Visitation of Saint John's Presbyterian Church in San Francisco and former Protestant chaplain at Alcatraz. He said that he was there on behalf of Morton Sobell. I then recalled that it was Reverend Mc Cormack who after five years as chaplain at Alcatraz had signed a petition asking for a new trial for Morton Sobell (who was then in Alcatraz) and he was relieved of his job for being too zealous for the welfare of the prisoners.

I am afraid I gave this elderly Scotch minister a rough time, for it is written in the Panchatantra of around 300 B. C., "Guilty consciences always make people cowardly," and Shakespeare picked up the refrain in Hamlet, "Thus conscience does make cowards of us all; and thus the native hue of resolution is sicklied o'er with the past cast of thought, and enterprises of great pith and moment with this regard their currents turn awry, and lose the name of action." I asked the Reverend Mc Cormack why I should be more concerned about Sobell than any of the other persons on whose behalf I might act or had acted. Hadn't the case been before the Supreme Court of the United States? I asked him why he was so concerned about one man over and above many others. I even asked him what role the Communist Party members had in this case--and how did he know that he was not being used by forces that were not at all interested in justice?

Very simply, he told me that as Chaplain at Alcatraz, he became personally closely acquainted with Morton Sobell, that from his more than 30 years in the parish ministry, he felt he knew Sobell well enough to say that he believed he was utterly incapable of what he was charged; that Morton Sobell was a man of professed convictions in the best things of our tradition. He said that out of his interest in the man, he acquired a copy of the trial transcript, and upon reading it became convinced of Sobell's innocence.

the requirements for the kind of scholarly, independent and objective investigation necessary to raise the need for a reappraisal of the case, to the end that enough public opinion might be brought to bear so that new evidence and obvious perjury would open the matter for a new look, with the reflection that comes from the passage of time, and a freedom from fears and passions of a few years ago. Moreover, he pointed out, Morton Sobell, maintaining his innocence, remains imprisoned under a thirty year sentence, thus giving an urgency in human terms as well as in historical necessity.

I told the Reverend Peter Mc Cormack that if he would send me a copy of the trial transcript, I would carefully read it and give him my answer after which, in effect, done the independent investigation necessary for me to express an opinion. He sent me the 8 booklets of the transcript which I still have to return. After reading the transcript carefully I have come to the same conclusion as Dr. Harold C. Urey, the world renowned atomic scientist of the University of Chicago, that "the proof of the guilt of Morton Sobell is far from satisfactory to me," and that "additional evidence substantiating my suspicions has convinced me that the jury's verdict of guilty was incorrect and that the Rosenbergs were not 'guilty beyond a reasonable doubt.' " *

Well, what can be accomplished by bringing up these matters after the Rosenbergs have been executed? As Dr. Urey said, "This case is of interest to all who work on secret military matters, for such people are less secure than they were previously. This practice of giving immunity to criminals (as in this case) in payment for testimony is particularly pernicious. One criminal accuses another who again accuses another until perhaps an innocent person is accused and the chain is broken and we the maximum punishment to the innocent person. The system encourages criminals. If you wish to commit a crime, pick out one of your 'friends' or a relative whom you do not like, compromise him in various ways (namely ask him to ask his physician about necessary inoculations for a trip to Mexico), then commit the crime and if caught give evidence against your 'accomplice' and go free! Or, perhaps someone else is doing this and you are the 'accomplice' without knowing it at all. The practice sets the stage for framing innocent people, and people who carry military secrets in their minds are particularly threatened. Moreover, communism and espionage are not fought by executing innocent people." *

Sobell and his family went to Mexico. The prosecution insisted that he went there to flee the country, and a card with the words "Deported from Mexico" stamped on it was presented in court as evidence of flight. Today there are official documents from the

Sobell. He was taken from his family in Mexico City when claiming to be Mexican secret police and charged with being a Johnny Jones who robbed a bank in Acapulco of \$15,000. He was refused a request to contact the American embassy, was beaten unconscious, driven to Laredo, Texas, and delivered to a waiting party of FBI agents. He had tourist cards in his own name; he declared his camera in Dallas, Texas, in his own name in order to avoid tariff on his return home. Sobell's airline tickets, visa, and camera declaration were in the FBI's possession until 1954, (three years after the trial) when they were then released to Sobell's attorneys who have incorporated them in the petitions which were recently before the courts. Another incredible thing in relationship to Sobell's trial is that only one witness testified that Sobell had been involved in a conspiracy. This witness, Max Elitcher, a boyhood friend and former classmate, and a confessed perjurer and inveterate liar, had the powerful motive of escaping a prison sentence when he acted as a witness for the prosecution. Judge Kaufman himself said when he instructed the jury, "if you do not believe the testimony of Max Elitcher as it pertains to Morton Sobell, then you must acquit the defendant Sobell." That jury in 1951 chose to believe Max Elitcher, and Judge Kaufman sentenced Morton Sobell to thirty years.

There are many aspects of this case into which I might go if I had the time this morning, so you might understand why I believe it is most important that this whole matter be reopened -- if for no other reason than our children's sake, because of the kind of climate which we bequeath the next generation! When conscience speaks, it does make cowards of us all, but some of us have been forced into the open in the cause of justice. I feel as Lord Bertrand Russell did when he wrote: "I am ashamed to say that at the time of the Rosenberg-Sobell trial I did not look into the evidence. I have now done so. I am almost certain that the Rosenbergs were innocent. . . . But the Rosenbergs are dead and nothing can be done for them. Sobell, however, is alive and it is not too late for the U. S. Government to make some reparation to him."

To those of you who have never questioned the guilt of those convicted in the Rosenberg-Sobell case, this sermon no doubt comes as something of a shock. It comes as a shock to anyone who implicitly trusts the justice of American legal procedure. In speaking of the Rosenbergs, Dr. Harold Urey said, "People ask why the prosecuting attorney and the FBI and the judge should wish to see two insignificant people put to death unjustly. After considerable conversations with lawyers on this subject, including one who worked on the government side of this case, I concluded that lawyers are more interested in whether all the legal machinery functions according to all the rules, and are not in the least interested in the arguments which are important to me. There are exceptions, of course."

* The Rev. Irwin Gaede, Unitarian Church of Westwood, California

Personally, I do not know whether the Rosenbergs, or Morton Sobell are guilty or innocent. But I am convinced in my own mind that much more should be heard in a case where lies and counter lies are obviously in evidence. If we believe in the striving for justice and moral integrity in our country, this is a matter which concerns each of us. My conscience will not let this matter lie.

Do you recall a senate investigating committee wondering how it could be possible that the Russians could have sent two sputniks into outer space while we had sent none and deciding to inquire of David Greenglass in Lewisburg penitentiary -- the same David Greenglass whose testimony sent his sister and brother-in-law (the Rosenbergs) to the electric chair? The committee came forth with the statement that the Rosenbergs had given space travel information to the Russians more than ten years ago -- the inference apparently being that we knew how to launch a successful satellite over a decade ago, but that by stealing our "secrets" the Russians beat us into outer space! Would any reputable scientist confirm such a story? Yet this statement was made by the same man who was the chief witness in the Rosenberg-Sobell trial.

The Dreyfus affair in France, the Sacco-Vanzetti case in our country, the political climate of the early 1950's, with the loose nature of conspiracy charges where little was needed to convict, the plausibility of evidence by perjurers and self-confessed spies, all this weighs upon my conscience. The climate in which the Rosenberg-Sobell case was heard bordered on the hysterical. It was a fearful time to speak out. I signed a petition (a citizen's constitutional method of expression) and made the front page of the Boston Traveler, with all the inference that I was part of a plot to overthrow the United States Government and turn it over to the Soviet Union! There was very little sanity about, and it seemed as if the world had gone a little mad.

I must confess that I, too, was a little mad. I could have done much more than I did. The mark of madness is disorientation, and I think even today the religious liberal has badly lost his sense of direction. We are confused, bewildered, and thwarted. In these turbulent and challenging times, emotions well up to seek expression; but the liberal cannot merely emot. He must reason his reaction and understand in order to believe. He must believe in order to act, even as he must act to affirm his belief. He is suspicious of authority, allergic to propaganda, yet he must have information in order to understand. Being overwhelmed by competing, often conflicting propaganda, he is confused, thwarted, maladjusted.

Someone coined the phrase, "We suffer the paralysis of analysis." True as this is it does not describe what seems to be the basic malady. The basic malady, it seems to me, is our loss of faith

in moral law. The detachment of moral law from superstitious sanctions has reduced its impressive-ness. With no Hell and no wrath of God to punish the wrong doer, evil has become less frightening, and so with other dogmas of religion. What we often fail to see is that dogmas come and go but the values and the sense of enduring purposes which these things symbolized are the foundation of civilization. And when they have gone, so has each civilization in history.

Since the end of the second world war we have talked about the desperateness of our situation and have acted as though it were not desperate at all. We are schizoid -- a nation with a split personality. And it is high time we became cured of it. This is not just a matter of government. I happen to know among many business concerns it is a common practice to employ specialists in the avoidance of taxes. A battle of wits goes on between those who draft tax bills and those who search for loopholes in the legislation. This is not illegal; but then neither is it illegal for a collector of taxes to buy an automobile at a friendly price. It is a matter not of legality but of morality. The next step, of course, comes when the collector is expected to favor the automobile dealer when he finds himself in tax difficulties. Of course you can say why be fussy? Why not get wise and do what everybody else does? Lobbyists for big concerns succeed in influencing legislation. The newspapers are not honest. They seldom print what might reduce their advertising. Even the churches are not honest. How often do they preach the truth to the big contributors? This disease is international in scope -- attacking nations, groups, and individuals. It is a philosophy of reaction which in the early 1950's, in fear of real or imagined threats to the status quo, took refuge in name-calling, suppressive activities, the illusion of infallibility, and the refusal to tolerate disagreement however sincere. It is the philosophy of the pseudo-radical, the militant revolutionist who would overthrow by violence one form of tyranny only to put in its place a more sweeping, more dictatorial tyranny of another sort. It is not new. It is as old as history. It conducts inquiries. It shies at shadows and finds bogey-men (whether called fascists or communists) lurking around every corner of social change, hiding under the beds of respectable citizens, or threatening the masses. My point is that liberals in religion have allowed themselves to be taunted by those who personify the exact opposite. Citizens who pride themselves upon democracy in religious matters often prove intolerant -- even aggressively authoritarian -- in politics or industrial relations. I heard them try to outlaw the same party and for the same reasons of hysteria that led us to bill Hitler after World War I "as a bulwark against communism." We too easily forget that this means our political party may be outlawed tomorrow by majority rule. Preachers of the open mind in theological matters often become vehement with those who hold opposing views in other areas.

If a person's religion is a way of life, a religion liberal in one area presupposes a liberal position in the others. The alternative is schizophrenia.

When conscience speaks, religious liberals tend to become frustrated. The lack of an orienting yardstick, hamstrings action. Feeling strongly prevented from expressing their feelings through action, many of us have become maladjusted. "My conscience does make cowards of us all; and the native hue of resolution is sicklied o'er with the cast of thought, and enterprises of great pitch and moment with this regard their currents turn awry and lose the name of action."

By action in consonance with our beliefs, we restore our sanity.

Transcribed by Hazel Stevenson

A Sermon Delivered on April 12, 1959

by

SAMUEL A. WRIGHT, Jr.

Minister

THE UNITARIAN CHURCH OF MARIN

Meeting in the

Tamalpais Centre Women's Club

Kentfield, California

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REINHOLD NIEBUHR

RABBI ISRAEL GOLDSTEIN

DR. MARTIN LUTHER KING, JR.

NORMAN THOMAS

BERTRAND RUSSELL

RABBI MAURICE EISENDRATH

RABBI HARRY HALPERN

RABBI BALFOUR BRICKNER

PABLO CASALS

and other notables from the United States and abroad

have asked for

FREEDOM for MORTON SOBELL

HOW DO YOU, THE JURY, FIND?

The Rosenberg-Sobell Case After 10 Years

(The Rosenbergs were executed June 19, 1953)

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- * Hear DR. HAROLD C. UREY, Nobel Prize atomic scientist
- * See a new documentary motion picture -- MORTON SOBELL --
A PLEA FOR JUSTICE -- The story of the American scientist
condemned to 30 years and of world-wide appeals to free him.

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"I AM INNOCENT!" Morton Sobell continues to state to the world
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accused, unjustly tried, unjustly sentenced, and unjustly
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"WE ARE INNOCENT!" Ethel and Julius Rosenberg vowed to the
end before their execution ten years ago.

For information and tickets:

SOBELL COMMITTEE, 940 Broadway, New York 10, N.Y. AL 4-9963

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NEW EVIDENCE IN THE ROSENBERG--SOBELL CASE

RH
[REDACTED]

Morton Sobell was convicted of conspiracy to commit espionage in the trial with Ethel and Julius Rosenberg and was condemned to the unprecedented sentence of 30 years in Alcatraz. Sobell, who swears he is innocent, is appealing to the Supreme Court on the basis of new evidence that challenges the testimony of major prosecution witnesses.

The weakness of the case against Sobell is underscored by the fact that these very witnesses did not even associate Sobell with espionage activity. Their testimony was directed at Ethel and Julius Rosenberg. But by the loose "conspiracy" charge, all testimony against the Rosenbergs automatically applied to Sobell. The only witness who associated Sobell with espionage was Max Elitcher, who admitted on the stand that he feared a prison sentence for perjuring himself in another matter.

The new evidence consists of the following:

EXHIBIT A: The Documents

The prosecution's entire case is challenged by facts reflected in a series of documents consisting of photostats of memorandums from the law firm of O. John Rogge. Rogge was the attorney for David and Ruth Greenglass, chief prosecution witnesses. The documents reveal that the prosecution made a deal for the testi-

mony of the Greenglasses, and that the Greenglasses gave perjured testimony.

The following is an excerpt from an inter-office memorandum. The initials RHG presumably stand for Robert H. Goldman, an attorney in the Rogge firm. The memo is based on a conference with Myles Lane, former Assistant U. S. Attorney.

M E M O

8/23/50

FROM RHG
TO FILE

Re: Greenglass

Lane, the Assistant U.S. Attorney, called me at 1:00 o'clock and told me that something important had come up with respect to New Mexico and would I and/or Fabricant see him this afternoon. I told him that I could and HJP would come with me.

Lane wanted to know when OJR would return and I told him that we had expected him and in fact were trying to ascertain exactly when he would return. HJP and I went over to see Lane at 4:00 o'clock. He told us that Bloch had earlier in the day argued to the judge at the arraignment of his clients that they were absolutely innocent and that from the fact that Greenglass was not indicted but merely named as a co-conspirator in the New York indictment, it looked to Bloch as if the government had made a deal with you as Greenglass' attorney. Lane felt that we would now have to consider the question of whether it was OK that Greenglass be indicted here in a succeeding indictment and not merely named as a co-conspirator. He would then be a defendant and be tried here in New York but would testify against the others.

The above document reveals the nature of the deal. In the first indictment the Greenglasses were named as co-conspirators, but not as defendants. However, when defense attorney Bloch charged a deal was under way, Lane said that Greenglass "would

2 Even then Greenglass was promised a suspended sentence, as indicated in a second document. This one was addressed to OJR, presumably O. John Rogge, and written by RHG.

M E M O

TO: OJR
FROM: RHG

8/21/50

Re: Greenglass

I spoke to Ruth Greenglass this morning. She is feeling better and so is Dave apparently about the fact that they were not named as defendants. From Helen I learned that she may have been a little upset about it originally but now she feels the thing is moving smoothly.

However, Dave is worried about something else which I was able to reassure him ~~xx~~ through Ruth. Some of his cellmates in the Tombs have been telling him horror stories about the treatment he will get. I told her that we were happy to say that few of our clients went to jail but those who did had never had such a complaint. I further assured her that Saypol would not permit any mistreatment. But the thing that impressed her most however was that I told her that you were on friendly terms with Bennett, Director of Prisons. This impressed her because she feels that Dave may not get a suspended sentence and is worried about the kind of treatment he will get. I assured her that if he does go to jail for a period of time that you would certainly not hesitate to speak to Bennett and to make sure that Dave got good and fair treatment.

The above document reveals that Greenglass was first promised a suspended sentence, but then told he might have to accept going to jail "for a period of time." However, Greenglass was assured that Director of Prisons Bennett, the man who selected Alcatraz for Morton Sobell, would see that Greenglass was treated well.

The deal has been carried out. The Greenglasses testified for the prosecution. Ruth Greenglass was never indicted. David Greenglass, although not treated quite as leniently as he had expected, will be eligible for parole in 18 months.

3 Another document consists of a handwritten statement which Greenglass made to his attorney. In this statement he directly contradicts testimony he gave at the trial and reveals that he made a false deposition to the F.B.I.

4 Another document reports an interview between Ruth Greenglass and her attorney. Mrs. Greenglass stated that her husband, David Greenglass, had a "tendency to hysteria," and once ran nude through the hallway.

shrieking of "elephants" and "lead pants." She said she had known him since he was ten years old and that "he would say things were so even if they were not." Mrs. Greenglass also said that her husband talked of suicide "as if he were a character in the movies."

EXHIBIT B: The Affidavits

1 An affidavit by the brother of David Greenglass states that Greenglass admitted having stolen uranium from Los Alamos. This upholds the testimony of Julius Rosenberg, who testified that he feared Greenglass was in trouble, possibly because of uranium theft.

2 An affidavit proves the Rosenberg console table was an inexpensive one bought at a New York department store, as Julius Rosenberg had testified. The affidavit, made by a buyer of the department store on the basis of markings on the table, refutes the prosecution testimony that the table was an expensive one given the Rosenbergs by the Russians and that it had a secret compartment for microfilming.

This new evidence is being presented as a basis for a new trial for Morton Sobell on the belief that had the jury known of this evidence at the time of the first trial, it might have reached a different verdict. American justice demands that this new evidence be examined in a new trial for Morton Sobell!

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UNITED STATES COURT OF APPEALS
For the Second Circuit

No. 151---October Term, 1962
(Argued December 7, 1962 Decided February 6, 1963)
Docket No. 27558

United States of America, Appellee,
V.
Morton Sobell, Appellant.

Before:

SWAN, FRIENDLY AND MARSHALL, Circuit Judges.

Appeal from an order of the District Court for the Southern District of New York, John F. X. McGohey, Jr., 204 F.Supp.225 (1962), denying a motion under 28 U.S.C. 2255 to vacate a conviction and sentence and, with respect to one of the grounds asserted, to reduce the sentence pursuant to F. R. Crim. Proc. 35. Affirmed.

Marshall Perlin and Sanford M. Katz (Donner, Perlin & Piel), New York, N.Y. (Frank J. Donner, Eleanor Jackson Piel, of Counsel), (Benjamin Dreyfus, San Francisco, Cal., on brief), for appellant.

ROBERT O. GENIESSE (Vincent L. Broderick, United States Attorney for the Southern District of New York, Arthur I. Rosett, Assistant United States States Attorney, on brief), for Appellee.

FRIENDLY, Circuit Judge:

On March 29, 1951, a jury in the Southern District of New York found Morton Sobell guilty, along with Julius and Ethel Rosenberg, under a single count indictment charging a conspiracy to violate 50 U. S. C. (1946 ed.) 32(a), which made it a crime to "communicate, deliver, or transmit, to any foreign government * * * information relating to the national defense," or to aid or induce another to do so. Sobell was sentenced to thirty years imprisonment, under the proviso that whoever shall violate 32(a) "in time of war shall be punished by death or by imprisonment for not more than thirty years,"¹ as contrasted with the twenty years imprisonment that constituted the maximum penalty at other times. This Court affirmed the judgment of conviction, *United States v. Rosenberg*, 195 F.2d 593 (1952); Judge Frank, who wrote the opinion, dissented as to Sobell on the sole ground that the question whether he had become a party to a larger conspiracy "to transmit all kinds of secret information", or only to a smaller one to transmit "just certain kinds which he knew about", should have been separately submitted to the jury since many acts and declarations relating to the larger conspiracy which were received in evidence without restriction could properly be considered against him only in the former event, 195 F. 2d at 600-602. Certiorari was denied, 344 U. S. 838 (1952).

Sobell's instant motion, the appeal from Judge McGohey's denial of which, 204 F. Supp. 225 (S. D. N. Y. 1962), is here before us, is his fifth attempt to obtain post-conviction relief under 28 U.S.C. 2255 or the Rules of Criminal Procedure.² He advances two separate grounds, sometimes hereafter characterized as the Grunewald ground and the "in time of war" ground; he claims, subject to a qualification noted in the margin,³ that these grounds, although appearing on the trial record itself, have not been heretofore raised either on appeal or on motions for post conviction relief. Although the Government disputes this, we put the controversy to one side, as we do also the issue of law--on which the courts of appeals have divided--whether the provision of 2255 that "The sentencing court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner" is applicable when the later motion seeks the same "relief" as an earlier one but on a different ground. See the review of the authorities by Judge Wilbur K. Miller dissenting in *Belton v. United States*, 259 F. 2d 811, 824-25 (D. C. Cir. 1958); *Smith v. United States*, 270 F. 2d 921 (D. C. Cir. 1959). We read Judge McGohey's opinion as having "entertained" Sobell's motion on the merits; we shall consider the appeal on that basis. See *Taylor v. United States*, 238 F. 2d 409, 411 (9 Cir. 1956), cert. denied, 353 U. S. 938 (1957).

I. THE GRUNEWALD GROUND.

What we have called the Grunewald ground relates to the point decided in Part III of *Grunewald v. United States*, 353 U. S. 391: 415-424, 425-426 (1957), with respect to the defendant Halperin. When testifying at the trial on his own behalf, Halperin was cross-examined as to various matters on which he had been interrogated before a grand jury; he answered in a way consistent with innocence. The Government was allowed, over objection, to bring out that before the grand jury Halperin had pleaded the privilege against self-incrimination as to these very questions. The judge instructed that although the jury was "not to draw any inference whatsoever as to the guilt or innocence of the defendant in this case by reason of the fact that he chose to assert his unquestioned right to invoke the Fifth Amendment on that previous occasion", it might consider "his prior assertions of the Fifth Amendment only for the purpose of ascertaining the weight you choose to give his present testimony with respect to the same matters upon which he previously asserted his constitutional privilege." We affirmed, 233 F. 2d 556, 568 (2 Cir. 1956), relying on *Raffel v. United States*, 271 U. S. 494 (1926) and our own previous decision in *United States v. Gottfried*, 165 F. 2d 360, 367, cert. denied, 333 U. S. 860 (1948), which in turn had cited *United States v. Mortimer*, 118 F. 2d 266 (2 Cir.), cert. denied, 314 U. S. 616 (1941); *United States v. Groves*, 122 F. 2d 87 (2 Cir.), cert. denied, 314 U. S. 670 (1941); and *United States v. Klinger*, 136 F. 2d 677 (2 Cir.), Cert. denied, 320 U. S. 746 (1943); Judge Frank dissented, 233 F. 2d 571-92. The Supreme Court unanimously reversed. The opinion of the Court, by Mr. Justice Harlan, held that "in the particular circumstances of this case the cross-examination would have been excluded because its probative value on the issue of Halperin's credibility was so negligible as to be far outweighed by its possible impermissible impact on the jury", to wit, as direct evidence of guilt. 353 U. S. at 420. Recognizing that "the question whether a prior statement is sufficiently inconsistent to be allowed to go to the jury on the question of credibility is usually within the discretion of the trial judge", the Court held that "where such evidentiary matter has grave constitutional overtones, as it does here", the Court would "draw upon our supervisory power over the administration of federal criminal justice in order to rule on the matter. Cf. *McNabb v. United States*, 318 U. S. 332." 353 U. S. at 423-424. Mr. Justice Black, for the Chief Justice, Mr. Justice Douglas, Mr. Justice Brennan and himself, did "not, like the Court", rest his "conclusion on the special circumstances of this case"; he could "think of no special circumstances that would justify use of a constitutional privilege to discredit or convict a person who asserts it." 353 U. S. at 425.

The asserted bearing of Grunewald here is as follows: The Government's case against Sobell rested almost wholly on the testimony of Max Elitcher, who, in addition to testifying to some independent attempts at espionage by Sobell, linked him closely with Julius Rosenberg. The latter contradicted the testimony of Elitcher with respect to Sobell, as he also did the testimony of David and Ruth Greenglass and Harry Gold with respect to the disclosure of atomic secrets by him and his wife. Ethel Rosenberg corroborated many of her husband's denials of the testimony of the Greenglasses and Gold. Her evidence did not bear directly on Sobell, but there was no particular reason why it should, since Elitcher had not implicated her in any of Sobell's activities. Sobell did not take the stand.

Mrs. Rosenberg testified on direct and cross-examination about many matters upon which she had claimed the privilege before the grand jury. Repeatedly the prosecutor questioned her as to the supposed inconsistency between the versions of innocence to which she testified at the trial and her previous claim that answering questions about these same matters would tend to incriminate her. When objections or motions for a mistrial were made, the judge overruled or denied them, as he was required to do by the decisions of this Court cited in our opinion in Grunewald. Both during the trial and in his charge the judge made it crystal-clear that Mrs. Rosenberg's "failure to answer such questions (before the grand jury) is not to be taken as establishing the answers to any questions she was asked before the Grand Jury, but may be considered by you in determining the credibility of her answers to those same questions at this trial"--a correct statement of the rule as then established in this circuit. The matters about which Mrs. Rosenberg was interrogated with respect to her prior claim of privilege included her admission at the trial that she had consulted a lawyer prior to appearing before the grand jury; her denial of having discussed the case with her brother, David Greenglass; her denial of having discussed David's atomic work with him or his wife, or with her husband; her memory of a furlough visit from David in January 1945; her denial of having seen Harry Gold until he appeared in the courtroom; and her denial of having ever met Anatoli Yakovlev.

As regards some of these items, there was greater inconsistency between Mrs. Rosenberg's claim of privilege before the grand jury and her testimony at the trial than in Halperin's case. It is hard, for example, to see how her claim before the grand jury that answering the questions about Harry Gold and Yakovlev would tend to incriminate her can be reconciled with the answers--outright denials of knowing either man--that she gave to these questions at the trial; it can scarcely be said, as the Supreme Court said of

Halperin, that "had (she) answered the questions put to (her) before the Grand Jury in the same way (she) subsequently answered them at trial, this nevertheless would have provided the Government with incriminating evidence from (her) mouth." 353 U. S. at 421-22. Hence, as regards these questions, it is by no means certain that the test laid down by the majority of the Supreme Court in Grunewald, that of balancing probative value against danger of prejudice would have led in this case to the same result. We need not decide whether, as Sobell contends, that result would nevertheless be required by other factors present in this case but absent in Grunewald, such as the prosecutor's interrogation as to whether the claims of privilege before the grand jury had been truthful, and as to the reasons why the privilege had been claimed. For the inquiry about the prior claim of privilege in regard to questions answered at the trial otherwise than by outright denials--for example those concerning Mrs. Rosenberg's relations with the Greenglasses and her consultation with her lawyer--would fall under the analysis made by the majority in Grunewald.

Sobell contends that if the point had been made on Mrs. Rosenberg's appeal to this Court (where presumably it would not have prevailed at the time, despite Judge Frank's subsequent espousal of it in his Grunewald dissent), if the Supreme Court had granted certiorari, and if the Court had then decided as it did five years later in Grunewald, any new trial would have included Sobell, since the Government's evidence was broadly inconsistent with a conclusion that he alone was guilty. It could be said against this that, vis-a-vis her co-defendants, Mrs. Rosenberg was simply a witness, and that the improper denial of a claim of privilege by a witness normally is not a ground for granting a new trial on the appeal of a party, "whose only grievance can be that the overriding of the outsider's rights has resulted in a fuller fact-disclosure that the party desires." McCormick, Evidence (1954), p.153 and see cases cited in fn. 8; 8 Wigmore, Evidence (McNaughton rev. 1961) pp. 112-13, 416. But the claim in this case is not merely the compulsion of testimony that was privileged but otherwise unobjectionable; the jury was allowed--properly, as the law then stood in this circuit--to consider evidence which, under the rule later laid down in Grunewald, had a probative value "so negligible as to be far outweighed by its possible impermissible impact on the jury," 353 U. S. at 420. In any event, this Court has held, on a direct appeal, that improper use of a witness' claim of Fifth Amendment privilege before the grand jury to impeach him at the trial can constitute a ground for reversing the conviction of the party for whom he testified, and, further, has followed the principle that

"where errors as to one defendant are so substantial and of such nature as to affect a co-defendant with whom he is tried jointly, appellate courts have reversed the convictions of both defendants* * *." United States v. Tomaiolo, 249 F. 2d 683, 690-92, 696 and cases cited (2Cir. 1957). Assuming all this in Sobell's favor, we thus arrive at the crucial issue whether he is entitled to relief under 28 U. S. C. 2255.

That statute permits a federal prisoner to move at any time to vacate or correct his sentence "upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack." The second ground is not claimed to be applicable, nor is the third as to the Grunewald point. Since we now know that a different ruling was required on the issue later decided in Grunewald, it is argued that Sobell comes under the first ground in that his sentence was "imposed in violation of the laws of the United States." But if we were to read the statute to mean that relief is to be granted in every such case, we would be saying that 2255 extends to any material error in a federal criminal trial--a result manifestly not intended by the framers, as shown by the review of the legislative history in United States v. Hayman, 342 U. S. 205, 210-219 (1952), and a reading that had been repudiated by the Supreme Court. Hill v. United States, 368 U. S. 424 (1962), as it had earlier been by this Court, United States v. Angelet, 255 F. 2d 383 (2 Cir. 1958).⁴ Moreover, different words are used in the third paragraph of 2255, dealing with the action to be taken on the motion: "If the court finds that the judgement was rendered without jurisdiction, or that the sentence imposed was not authorized by law or otherwise open to collateral attack, or that there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner or resentence him or grant him a new trial or correct the sentence as may appear appropriate." Here the broad reference of the initial paragraph to "violation of the * * * laws of the United States" seems to have disappeared, at least if we can assume that the phrase "that the sentence imposed was not authorized by law" in the third paragraph means the same as "that the sentence was in excess of the maximum authorized by law" in the first;⁵ and even "a denial or infringement of the constitutional rights of the prisoner" does not call for relief unless it be "such * * * as to render the judgment vulnerable to collateral attack." Juxtaposition of the two paragraphs thus suggests a reading that although any substantial claim of violation of federal "law", see fn. 4,

supra, will get a federal prisoner into court under 2255 in the sense of giving the court the power and duty to consider his motion, he can stay there and obtain relief only if he shows that the sentencing court was without jurisdiction, that the sentence was beyond the authorized maximum, or that the sentence or judgment is subject to collateral attack, leaving the meaning of this last phrase to be worked out by the courts--with an indication that although constitutional rights stand on a particularly high plane, not every "denial or infringement" even of them makes the judgment "vulnerable to collateral attack." But see, taking the view that relief is available under 2255 for any denial of a constitutional right, the dissent of three Justices in *Hodges v. United States*, 368 U. S. 139, 140 (1961). Under a more literal reading the judgment of conviction, as distinguished from the sentence, can be successfully challenged only for denial or infringement of rights protected by the Constitution itself.

It may be deemed futile to endeavor to draw much meaning from the rather murky language of 2255 and we turn for help to the decisions thereunder, we find these telling us that, in determining whether relief under 2255 ought be granted, we should look to the previous practice in habeas corpus with respect to federal prisoners; indeed, the Supreme Court has said that "the legislation was intended simply to provide in the sentencing court a remedy exactly commensurate with that which had previously been available by habeas corpus in the court of the district where the prisoner was confined." *Hill v. United States*, supra, 368 U. S. at 427. But this also does not get us far; the glass itself is a dark one. See *Bator*, supra, fn 4, at 465-74, 493-95. *Sunal v. Large*, 332 U. S. 174 (1947), sheds as much light as anything. Applying the standards lined in that and other opinions of the Supreme Court as best we can, we shall assume arguendo -- in all likelihood too favorably for appellant, and without qualifications which may well be needed in other factual settings,⁶--that he should have relief under 2255 if he has shown (1) a significant denial of a constitutional right, even though he could have raised the point on appeal and there was no sufficient reason for not doing so, 332 U. S. at 178-79 and fn. 8, 182; see also *United States v. Rosenberg*, 200 F.2d 666, 671 (2 Cir. 1952), cert. denied, 345 U. S. 965 (1953); *United States v. Allocco*, 305 F. 2d 704, 707 fn. 8 (2 Cir. 1962); or (2) an error seriously affecting his trial, even though not of constitutional magnitude, if it was not correctible on appeal or there were "exceptional circumstances" excusing the failure to appeal, 332 U. S. at 180-81, 184; see also *Bowen v. Johnston*, 306 U.S. 19, 26-28 (1939); *Jordan v. United States*, 352 U.S. 904 (1956), reversing per curiam 233 F.2d 362, 367-69 (D.C.Cir. 1956); *Hill v. United States*, supra, 368 U. S. at 428.

(1) Sobell does not bring himself within the first category on the Grunewald ground since this is not of constitutional dimensions as to him. On the view of the majority in Grunewald, the reversal was not for denial of a right guaranteed by the Fifth Amendment but because the trial judge had abused his discretion in determining that the probative effect of the evidence outweighed its potentially prejudicial impact. True, the potential prejudice lay in the probability of the jury's drawing an impermissible inference of guilt from the claim of privilege and the issue was thus thought to have "grave constitutional overtones"; 353 U. S. at 423. But the majority's invocation of the Court's "supervisory power over the administration of federal criminal justice in order to rule on the matter," and its citation of *McNabb v. United States*, 318 U.S. 332 (1943), show that the Court did not think it was enforcing a constitutional claim. The opinion of the four concurring Justices can be read as saying only that there is no basis for drawing any inference from a claim of the privilege against self-incrimination, and hence that a reference to such a claim can never be relevant to impeach credibility, and thus also as enforcing only a rule of evidence. See *Stewart v. United States*, 366 U.S. 1, 7, fn. 14 (1961). On the other hand, a general proscription of drawing inferences from a claim of the privilege against self incrimination sounds like constitutional doctrine, and has the same effect as an avowedly constitutional precept that any later reference to a claim under the Fifth Amendment is impermissible because it renders the claim of privilege too hazardous, a view suggested by other language in the concurring opinion and by the citation of *Johnson v. United States*, 318 U.S. 189, 196-99 (1943). But even if the Supreme Court would now deem Grunewald to be constitutionally grounded, a sufficient answer here would be that any constitutional implications must be limited to the person whose claim of privilege was later used against him. "(T)he privilege is that of the witness himself, and not that of the party on trial," *McAlister v. Henkel*, 201 U.S. 90, 91 (1906); see *Sache v. Canal Zond*, 176 F. 2d 292-96 (5 Cir.), cert. denied, 338 U.S. 838 (1949); 8 Wigmore, *Evidence* (McNaughton rev. 1961), pp. 414-15; *McCormick, Evidence* (1954), p. 152. Although perhaps Sobell also may have been entitled to object on the ground of relevancy, namely, that at least in some instances there may have been no real inconsistency between Mrs. Rosenberg's claim of privilege before the grand jury and her testimony of innocence at the trial, the overruling of such an objection, even if this should now appear erroneous in the light of Grunewald, would not assume "constitutional proportions", *Sunal v. Large*, supra, 332 U.S. at 182. Sobell, therefore, can succeed only by bringing himself within the second category outlined above.

(2) Admittedly there was no procedural obstacle to the raising on appeal of the question here presented. Neither do we find any greater showing of exceptional circumstances justifying the failure to raise the question than in *Sunal v. Large*, supra. The defendants in the two cases there decided had faced a consistent line of lower court decisions adverse to their position, including a case, *Rinko v. United States*, in which certiorari had been denied; 325 U.S. 851 (1945), before the conviction of one of them; here there had been a line of adverse decisions by this Court, with certiorari denied. There many of the lower court decisions had rested on a Supreme Court opinion, *Falbo v. United States*, 320 U.S. 549 (1944), not reading precisely on point but erroneously thought to be decisive by the lower courts, as it later was by three Justices of the Supreme Court, *Estep v. United States*, 327 U.S. 114, 137-39, 145 (1946); here a similar role was played by *Raffel v. United States*, 271 U. S. 494 (1926). In fact, *Raffel* was distinguishable on the ground, whether satisfying or not, that it involved an inference from a defendant's failure to take the stand to challenge certain testimony at a previous trial, rather than from a claim of privilege before a grand jury, and that it "did not focus on the question whether the cross-examination there involved was in fact probative in impeaching the defendant's credibility," 353 U.S. at 420, and *Johnson v. United States*, supra, afforded indication that *Raffel* would be rather closely confined. The road to ask the Supreme Court to test the distinction was open; when it was taken in *Grunewald*, the Court decided for the petitioner, without overruling *Raffel* as the four concurring Justices were willing to do. As in *Sunal v. Large*, "The case, therefore, is not one where the law was changed after the time for appeal had expired. Cf. *Warring v. Colpoys*, 122 F. 2d 642. It is rather a situation where at the time of the convictions the definitive ruling on the question of law had not crystallized." 332 U. S. at 181.

We think it important to emphasize, as did the Supreme Court in *Sunal v. Large*, the policy considerations underlying what may seem to some a hoary and technical rule--"that the writ of habeas corpus will not be allowed to do service for an appeal." 332 U. S. at 178. The problem, as Mr. Justice Douglas there said, "has radiations far beyond the present cases." 332 U.S. at 181. There is an inevitable attraction in the position that a person convicted of a serious crime should receive a new trial whenever a later decision of the highest court indicates that, with the benefit of hindsight, a different course should have been followed at his trial in any consequential respect. Yet for courts to yield broadly to that attraction not only would cause "litigation in these criminal cases (to) be interminable" 332 U.S. at 183, but, in the sole interest of those already convicted of crime,

would drastically impair the ability of the Government to discharge the duty of protection which it owes to all its citizens. If the point on which Sobell now relies had been raised and sustained on appeal, that would on no account have led to a direction for acquittal. Even under all the elaborate safeguards with which this country properly surrounds those charged with crime, it would have led only to a new trial, in which it seems unlikely that the result as to any of the defendants would have differed. When a claim is raised upon direct appeal as this could have been, and is there sustained, a new trial can be had seasonably, when witnesses are still available and their recollections still fresh. In contrast, collateral attack can come at any time. Yet normally it is quite academic to talk of a new trial ten or fifteen years after the event; in most cases to direct one after such an interval is in practical result to order a release from further punishment, although the defendant does not even contend he is entitled to that relief from the courts. When a defendant who has been tried fairly in accordance with the law as it was understood at the time seeks judicial relief because of new light on a point of law affecting an aspect of his trial, his request must be balanced against the rightful claims of organized society as reflected in the penal laws. All this is the wisdom behind the doctrine that limits collateral attack on criminal judgment. See Fuld, J., in *People v. Howard*, --N.Y. 2d --, --N.Y.S. 2d--(1962).

II. THE "IN TIME OF WAR" GROUND.

The indictment charged that "On or about June 6, 1944, up to and including June 16, 1950,* * * the defendants herein, did, the United States of America then and there being at war, conspire" to communicate national defense information to the Soviet Union in violation of 50 U.S.C. 32 (a). The overt acts cited, none of which in terms referred to Sobell, were laid between June 6, 1944 and January 14, 1945. Elitcher's testimony would have placed Sobell's entrance into the conspiracy no later than June, 1944. But whereas the evidence as to the disclosure of atomic secrets by the Rosenbergs, in which Sobell was not proved to have participated, related principally to the period prior to the surrender of Japan on September 2, 1945, the greater portion of the evidence against Sobell concerned 1946, 1947 and 1948.

At the trial the defendants did not dispute that if the Government's evidence was believed, they were subject to the punishment of death or thirty years imprisonment which the proviso to 32(a) made applicable to a violation "in time of war." It was hardly conceivable that any such claim

would be made by the Rosenbergs, since the portion of the conspiracy relating to disclosure of atomic secrets, which dwarfed the other charges against them, was largely consummated before the fighting stopped. For Sobell the situation was different; it was possible in theory, however unlikely in fact, that the jury could divide Elitcher's testimony against him and credit only the part relating to later years. But in his case also there was no dispute that if he had committed any offense he had done so "in time of war"; his counsel, in summation, emphasized that Sobell's life was at stake and that "the statute says for this crime that Mr. Elitcher is trying to prove Mr. Sobell guilty of, he can get up to thirty years or death." Under these circumstances it was altogether natural that the judge, who had received no request on the subject, did not include in his charge any reference to the term "in time of war" and told the jury, without objection from anyone, that the case was one in which the penalties of the proviso were applicable. He did, however, submit the indictment to the jury and they found the defendants "guilty as charged."

Sobell would now find in this a defect entitling him to have his conviction vacated under 2255 or, in the alternative, to have his sentence reduced under F. R. Crim. Proc. 35. The basis of the argument is that whether 32(a) was violated "in time of war" was a matter for determination by the jury as a part of its verdict; we accept this as a premise to the extent of holding that a defendant being tried under 32(a) was entitled, on proper request, to have the jury determine whether any violation of the statute on his part occurred "in time of war" as that term would be defined for the jury by the judge. The next steps in the argument are that the "time of war" ended with the cessation of fighting on August 14, 1945, or with the unconditional surrender of Japan on September 2, 1945, or in any event when the President proclaimed the termination of hostilities on December 31, 1946, 61 Stat. 1048, and that the jury should have been so instructed. Since it was not, and since it might have convicted Sobell on the basis of believing only the portion of Elitcher's testimony relating to acts subsequent to one or the other of those dates, the thirty-year sentence is said to be one "not authorized by law or otherwise open to collateral attack" under 2255 or, in the alternative, "an illegal sentence" under F. R. Crim. Proc. 35. "Exceptional circumstances" are alleged to excuse the failure to raise the point at trial or on appeal, since, it is said, until the decision in *Lee v. Madigan*, 358 U.S. 228 (1959), it was universally assumed that "time of war" continued until a treaty of peace had been ratified or a peace proclamation issued. At least this seems the most effective statement of the argument. For it would require stronger language than anything in *Stilson v. United States*,

250 U.S. 583, 587-89 (1919) or Schaefer v. United States, 251 U.S. 466 (1920), relied on by appellant, to convince us that the jury ought to have been allowed to make its own determination of when the war ended, a question of law which, as we shall see, is not readily answered even by judges.

Before proceeding further we must consider a threshold point, not raised by the Government, as to the applicability of 2255 to the "in time of war" ground. In Heflin v. United States, 358 U.S. 415 (1959), a majority of the Justices joined in a concurring opinion, by Mr. Justice Stewart, taking the position that 2255 is available only to a prisoner claiming the "right to be released." Here it could be said that if we should sustain Sobell's contention, the Government, rather than undergo a new trial, might consent to a reduction of the sentence to the twenty years that would have been permissible even if Sobell's violation of 32(a) had been in time of peace, and, if it did, Sobell would have no "right to be released" and 2255 would not be available. We do not read the statute, even in the light of the concurring opinion in Heflin, as calling for that result. Mr. Justice Stewart and his colleagues were addressing themselves to a situation where a prisoner in custody under a concededly valid sentence sought to attack a consecutive sentence which had not begun to run. Here Sobell is claiming the "right to be released" from a single sentence which he alleges to be illegal; if his claim were made out and the Government continued to insist on the higher penalty, there would have to be a new trial. The jurisdictional test of the first sentence of the first paragraph of 2255 is thus satisfied, and the final clause of the third paragraph makes clear that the court is not limited to discharging the prisoner but may "resentence him or grant a new trial or correct the sentence." We therefore pass to the merits.

In denying the alternative motion for reduction of sentence under Rule 35, Judge McGohey relied in part upon a theory which, if sound, would cover the motion under 2255 as well. His reasoning was that even if we should assume the earliest possible date for the end of the war, the jury must have found that the over-all conspiracy had begun before then, and Sobell took the conspiracy as he found it, United States v. Sansone, 231 F. 2d 887, 893 (2Cir.), cert. denied, 351 U.S. 987 (1956), and would thus be subject to the higher penalty even if he did not join until after the "time of war" had ended. On Appeal the Government has not sought to support the decision on this ground. A person joining a conspiracy does, indeed, take it as he finds it in many respects, including the important one, to which the Sansone opinion had reference, that acts or declarations of conspirators prior to his entry are admissible against him. But here the question is what Congress meant when it said, 50 U. S. C. (1946 ed.) 34, that "if two or more persons

conspire to violate the provisions of sections 32 or 33 of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy." This language can indeed be read to say that when "the act the accomplishment of which is the object of such conspiracy" was a disclosure of defense information beginning in time of war and continuing into time of peace, the heavier penalty may be visited even on a "party to such conspiracy" who did not join it in wartime. Yet it is difficult to discern what purpose Congress would have thought such a rule would accomplish, and it seems more reasonable to read the section as making the penalty for a substantive offense "in time of war" applicable to conspiring at such a time. Moreover, established principles favor the more lenient construction where ambiguity exists. See, e.g., *Bell v. United States*, 349 U. S. 81, 83-84 (1955).

We likewise cannot accept the Government's attempt to dispose of the contention on the basis that "time of war" under 32(a) continued until the Presidential proclamation of the termination of the state of war with Japan on April 28, 1952, 66 Stat. c. 31, which succeeded the joint resolution of Congress and the Presidential proclamation terminating the war with Germany on October 19, 1951, 65 Stat. 451, 66 Stat. c. 3. We do follow the Government insofar as we reject Sobell's contention that the "time of war" ended on September 2, 1945, or even earlier. *Lee v. Madigan*, supra, did not decide that; it held that June 10, 1949, was within a proviso of Article of War 92, 10 U. S. C. (1946 ed. Supp. IV) 1564, prohibiting a military trial of a soldier for murder or rape committed within the United States "in time of peace." The Court said that terms such as war and peace "must be construed in light of the precise facts of each case and the impact of the particular statute involved," 353 U.S. at 230-31. Nothing suggests it would have reached the same result if the conspiracy to commit murder there at issue had occurred in, say, late September, 1945. We have been cited to and have found nothing to indicate that any authority on international law, either in 1917, when 32(a) was enacted, 40 Stat. 218, or since, would have considered a war to end, for governmental purposes,⁷ as soon as the last shot was fired, even when the surrender was unconditional. See *Ludecke v. Watkins*, 335 U.S. 160, 166-70 (1948). Although a leading treatise has long recognized that "Belligerents may * * * abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty," 2 Oppenheim, *International Law* (2d ed. 1906), 261, at p. 275, "glide" connotes a gradual rather than a sudden stop. A war may end

also by subjugation of the enemy, but an unconditional surrender is not that when the successful belligerent has manifested no intention to hold the realm of the defeated one permanently under its dominion, id. 264, 265, pp.277-78; see also Phillipson, Termination of War and Treaties of Peace (1916), chs. I and II. A Congress containing many of the same members who had passed the Espionage Act of 1917 enacted a Joint Resolution terminating World War I on March 3, 1921, and declaring that "any Act of Congress, or any provision of any such Act, that by its terms is in force only during the existence of a state of war * * * shall be construed and administered as if such war * * * terminated on the date when this resolution becomes effective * * *." 41 Stat. 1359. On September 1, 1945, President Truman was assured by the Attorney General that the end of actual fighting had terminated no war legislation, 30 Ops. Atty. Gen. 421, 422 (1945); a week later he asked the Congress to refrain from taking action that would end the war until a full study of the problem could be made, Message of September 8, 1945, 91 Cong. Rec. 8380. Congress complied with his request; not until 1947 did it enact a joint resolution repealing certain wartime statutes, 61 Stat. 449 (1947). We cite the 1945-1947 experience not as bearing directly on the intent of the Congress of 1917, but rather to illustrate how practicalities work against a construction that would strip government of "wartime" powers instantaneously and without opportunity even to consider how far they might be needed in a transitional period partaking of some elements of both war and peace. Cf. Woods v. Cloyd W. Miller Co., 333 U. S. 133 148-43 (1948). The considerations that motivated the 1917 Congress to authorize the more severe penalties for espionage "in time of war" would not be dissipated the very moment when shooting stopped, even after unconditional surrender with vast citizen armies, navies and air forces still in the field, allied military missions having access to American defense installations in the United States and abroad, and the danger of flare-ups in the defeated countries that might require military action for their suppression.

On the other hand, we cannot believe the Congress of 1917 would have thought the statute it was enacting would have the result that the death penalty for disclosing defense information to a foreign power "in time of war" should apply not only to disclosures during the less than four years of actual shooting between December 7, 1941 and September 2, 1945, but for six and a half years more, during which our wartime enemies had become our friends. In determining what statute means when it speaks of war or peace, the purpose of the particular provision must be analyzed; such is the teaching of *Lee v. Weisman*. Here the purpose was to place the ultimate discouragement on communicating defense information when the

nation was fighting for its own life, and to exact the ultimate penalty from those who did. Although this purpose would not end on the firing of the last shot or even on the signing of the surrender, it also would not continue indefinitely thereafter. The prospect of a prolonged interval after the end of the fighting, which bore all the indicia of peace with the former enemy save for a formal treaty, the signing of which was postponed by disagreement among the victorious allies, was not likely to have occurred to the Congress of 1917.⁷ That Congress lived in a tidier age, when wars had been generally followed by peace treaties signed with reasonable promptness after the end of fighting.⁸ Allies had been known to fall out over the division of the spoils, so that the friend of one day became the foe of the next and vice versa: the second Balkan War, following two months after the treaty ending the first, was a then recent example-but in such cases either the first "war" continued, or there was a brief "peace" followed by a new "war", with changed partners. But the 1917 Congress must be taken also to have been familiar with the notion that a "time of war" could end through simple cessation of hostilities even though no formal peace treaty had been concluded-in Oppenheim's phrase, that the former belligerents could "glide into peaceful relations." A half century earlier Secretary Seward had written:

"It is certain * * * the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances."⁹

See also Phillipson: *supra*. ch. I.

We find it unnecessary to make such a determination here more precisely than to say that, for the purposes of 32(a), the "war" had ended before the summer and fall of 1948, to which some of Elitcher's testimony against Sobell related.¹⁰ True, American troops were still on foreign soil, but they were there for the same reasons that kept them there after April 28, 1952, when, as the Government concedes, the war with Germany and Japan had terminated. We add for clarity, as must be obvious, that nothing in the Constitution forbade Congress' making the heavier penalties applicable even to espionage carried on in peacetime, as it now had done, see fn. 1, *supra*, or taking other action,

appropriate under the war power, that stretches into times of peace. The only question we have sought to answer is what the 1917 Congress meant by the phrase "in time of war."¹¹

It follows that Sobell could properly have asked that the jury determine whether, if he had joined a conspiracy, he had done this in 1944-45 or only at some later date when, in our view, the United States was no longer at war for the purposes of 37(a). But nothing of the sort was suggested; everything said by Sobell's trial counsel assumed that the proviso applied to Sobell if the jury found him guilty, as it unquestionably did to the Rosenbergs. Whether this was because counsel was not sensitive to the point, or because he thought it unlikely that the jury would draw a line through Eitchen's testimony and considered it a preferable trial tactic to emphasize the grave penalties a conviction might entail, while being confident that Sobell's offense would not attract a death sentence, we do not know.

Applying 2255 as interpreted in our discussion of the Grunewald ground, Sobell again fails to make out a case for relief thereunder. The lack of any instruction to the jury to make a special finding relative to the penalty, that had not been requested, deprived Sobell of no constitutional right. It is true that the jury trial guaranteed in the Sixth Amendment, like that in the Seventh, is a trial not simply by a jury but by a jury acting under the instructions of a judge, *United States v. Philadelphia & Reading R. R.*, 123 U.S. 113, 114 (1887). But the guarantee is also of a judge assisted by appropriate requests on the part of the defendant; that is one of the reasons why the Sixth Amendment assures him "the Assistance of Counsel for his defence." Rules 30 and 51 negate appellant's assumption that it is unnecessary for a defendant to make "known to the court the action which he desires the court to take or his objection to the action of the court and the grounds therefor," see *Williams v. United States*, 293 F. 2d 215 (5 Cir. 1956), cert. denied, 352 U.S. 1024 (1957); *Farrag v. United States*, 235 F. 2d 664 (9 Cir.), cert. denied, 352 U.S. 844 (1956). It is true that under F. R. Crim. Proc. 52(b) an appellate court has power to notice "Plain errors or defects affecting substantial rights * * * although they were not brought to the attention of the court," but this provision does not transmute ordinary errors or defects into constitutional ones, or obliterate the distinction between direct appeal and collateral attack. Perhaps a case might arise where a charge tells a jury so little as to deprive a defendant, even though no request was made or objection taken, of rights guaranteed by the Sixth Amendment, and by the due process clause of the Fifth as well. But there is no denial of constitutional right because a judge has not submitted as an issue what everyone plausibly assumed not to be one. See

Kenion v. Gill, 155 F. 2d 176 (D.C. Cir. 1946); United States v. Jonikas, 197 F. 2d 675 (7 Cir.), cert. Denied, 344 U.S. 877 (1952). Neither is this a case where there was no evidence that would warrant imposition of the higher penalty under the statute as we now construe it, a situation that might give rise to a due process claim of a different sort, see Thompson v. City of Louisville, 362 U.S. 199 (1960).

There is likewise no basis for concluding that although the failure under these circumstances to obtain from the jury a special finding of the date when Sobell joined the conspiracy was not of constitutional magnitude, he may nevertheless have relief under 2255 because this seriously affected his trial and "exceptional circumstances" excuse his failure to raise the point either at trial or an appeal. We gravely doubt that the first branch of the argument is made out; it seems quite unlikely that the jury would have accepted only the part of Elitcher's testimony relating to later years. In any event the second is not. The contention is that until the 1959 decision in Lee v. Madigan, supra, it was settled law that "war" continued for all purposes until the ratification of a treaty of peace or official action by the President (or by Congress and the President) declaring its complete termination; hence, it is urged, appellant could not reasonably have been expected to raise the point before then, and thereby brings himself within what are asserted to be the implications of Sunal v. Large, supra, 332 U.S. at 181, see fn. 6 Supra. It would seem a sufficient answer that neither the petitioner in Lee v. Madigan nor the six Justices who joined in that decision thought the law had been thus firmly settled. But there is more. We have already cited expressions, antedating Sobell's trial by many years, to the effect that "war" might terminate by a long cessation of hostilities. See also Note, Judicial Determination of the End of the War, 47 Colum. L. Rev. 255, 256 and fns. 4 and 5 (1947). In the very year of Sobell's trial an eminent authority on international law, noting that no treaty of peace with Germany or Japan had yet been signed, wrote that "For some purposes, therefore, it may be said that the state of war with Germany and Japan continued; yet in view of the political developments, this view smacks of such unreality that no dogmatic statement can be made as to some of its possible consequences." Hudson, Cases on International Law (3d ed. 1951), page 618. The Supreme Court itself had indicated in 1948 that it might some day be required to determine whether it could "find that a war though merely formally kept alive had in fact ended," although characterizing this as "a question too fraught with gravity even to be adequately formulated when not compelled." Ludecke v. Watkins, supra, 335 U.S. at 169. A new counsel for Sobell seems to have been aware of the point when he argued for a reduction of

sentence in 1953, although Lee v. Madigan was still six years away. As with the Grunewald ground, the situation was that "at the time of the conviction the definitive ruling on the question of law had not crystallized," Sunal v. Large, 332 U.S. at 191--not that an alleged rule whereby only formal action could bring "war" to an end for any purpose had become so hardened that it would have seemed hopeless to question it.

The foregoing is largely determinative of Sobell's alternative motion for reduction of sentence under F. R. Crim. Proc. 35. The interpretation of that rule and its interrelation with the inter-enacted 2255, particularly the portions of that section speaking of a "sentence * * * in excess of the maximum authorized by law" and a sentence "not authorized by law or otherwise open to collateral attack", have recently concerned the Supreme Court, Heflin v. United States, 358 U.S. 415, 418 (1959); Hill v. United States, 368 US 424 (1962). The Hill decision stated that "the narrow function of Rule 35 is to permit correction of an illegal sentence, not to re-examine errors occurring at the trial or other proceedings prior to the imposition of sentence", 368 U. S. at 430; Heflin said that "relief under Rule 35 of the Federal Rules of Criminal Procedure is available (at least where matters dehors the record are not involved)" when "the sentence imposed was illegal on its face", 358 U. S. at 418.

The indictment charged, as we have said, that "On or about June 6, 1944, up to and including June 16, 1950 * * * the United States of America then and there being at war", Sobell and others conspired to violate 32(a), and the jury found him "guilty as charged." The indictment and the evidence were such that, on proper proceedings, sentence under the proviso might lawfully have been imposed. Sobell's complaints are that the indictment included too long a period in its definition of "war", and that, for want of an instruction never sought, we cannot tell whether the jury believed he had conspired during or only after the "war". But the former complaint could have been the subject of a motion addressed to the indictment under Rule 12(b), and the latter was an appropriate subject for a request for an instruction under Rule 30. The sentence is thus not "illegal on its face"; the asserted defect consists of alleged "errors occurring at the trial or other proceedings prior to the imposition of sentence." These lie beyond the ambit of Rule 35, Cook v. United States, 171 F.2d 567, 570 (1 Cir. 1948), cert. Denied, 336 U. S. 926 (1949); Stegall v. United States, 279 F. 2d 872 (6 Cir.), cert. denied, 364 U.S. 915 (1960). That Rule is confined to cases where the court can properly correct the sentence without any need for a new trial, yet the very nub of Sobell's argument is that the issue of the date of his entrance into the conspiracy was one on which a jury was required to but did not pass. It would be quite improper for this Court, by utilizing Rule 35

to reduce Sobell's sentence, to place the Government in the same position as if the issue had been submitted to the jury and found in his favor.

Affirmed.

Footnotes:

1 Section 32(a) of Title 50 was recodified in 1948 as 794(a) and (b) of Title 18, 62 Stat. 737. In 1954 the distinction with respect to the penalty in time of war was abolished; violation at any time was made punishable "by death or by imprisonment for any term of years or for life." 68 Stat. 1219.

2 See *United States v. Rosenberg*, 108 F. Supp. 798 (S.D.N.Y.) aff'd 200 F. 2d 666 (2 Cir. 1952), cert. denied, 345 U.S. 965 (1953); *United States v. Sobell*, unreported in the District Court and here, No. 22885, cert. denied, 347 U.S. 904 (1954); *United States v. Sobell* (two motions), 142 F. Supp. 515 (S.D.N.Y. 1956), aff'd 244 F. 2d 520 (2 Cir.), cert. denied, 355 U.S. 873 (1947). See also note 3, *infra*.

3 The Grunewald ground was the basis for a motion in the Supreme Court, in 1957, to vacate the Court's 1952 denial of certiorari and for leave to file a new petition for certiorari raising the point decided by the Court in *Grunewald v. United States*, 358 U.S. 391, 415-24, 425-26 (1957); this was denied, 355 U.S. 860 (1957). Appellant contends, and we agree, that no weight should be given to this, both because of general expressions as to the lack of significance in the denial of certiorari, e.g., *House v. Mayo*, 324 U.S. 42, 48 (1945), and cases cited, and because of the peculiar likelihood that the denial in this instance may have been for untimeliness.

4 The language under discussion stems from the Habeas Corpus Act of 1867, 14 Stat. 385, providing that "the several courts of the United States * * * within their respective jurisdictions, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases where any person may be restrained of his or her liberty in violation of the constitution, or of any treaty or law of the United States * * *," as carried forward in Rev. Stat. 752 ("is in custody in violation of the Constitution or of a law or treaty of the United States"). This is now codified in 28 U. S. C. 2241 (b) (3), with "laws", as it is in 2255. It is not entirely clear whether "law" in the Act of 1867

referred to the entire corpus of federal legal rules outside the Constitution and treaties, or only to federal statutes. Particularly in view of the adoption of the Act during the reconstruction period and the then received view that "In the ordinary use of language, it will hardly be contended, that the decisions of courts constitute laws," *Swift v. Tyson*, 16 Pet. 1, 13 (1842), the latter reading would seem more reasonable. For reasons later outlined in the text, we are not here required to decide whether the 1948 enactments preserved this original meaning or embodied the "new way of looking at law," *Guaranty Trust Co. v. York*, 326 U. S. 99, 101 (1945), taught by *Erie R. R. Co. v. Tompkins*, 304 U.S. 64 (1938). Under either construction there remains the basic question, which exists also as to the reference to the Constitution, whether a prisoner who has had a fair opportunity to try out his claim before a proper tribunal is "in custody in violation of" federal law simply because the earlier tribunal committed what a later one would consider an error in decision. See Hart & Wechsler, *The Federal Courts and the Federal System* (1953), 1238-39; *Estor*, *Finality in Criminal Law and Federal Habeas Corpus for State Prisoners*, 76 *Harv. L. Rev.* 441, 447-48, 474-77 1963.

5 Recognition of the availability of habeas corpus to test alleged illegality in the sentence as distinguished from the conviction long antedates the modern use of the writ with respect to the latter. *Ex parte Lange*, 18 Wall. (85 U.S.) 163 (1874); *Ex parte Wilson*, 114 U.S. 417 (1885); *In re Snow*, 120 U. S. 274 (1887); *Ex parte Nielsen*, 131 U.S. 176 (1889).

6 Among such qualifications are questions how far constitutional rights may be waived and what circumstances constitute such a waiver, see *Adams v. United States ex rel. McCann*, 317 U.S. 269, 275-81 (1942); whether even constitutional claims must not be brought in some way to the attention of the trial court or else will be deemed "waived", see *Howell v. United States*, 172 F. 2d 213, 215 (4 Cir.), cert. denied, 337 U.S. 906 (1949); *United States v. Walker*, 197 F. 2d 287, 288 (2 Cir.), cert. denied, 344 U. S. 877 (1952); whether alleged errors in the determination of facts affecting conceded constitutional rights stand on the same footing as an alleged refusal to recognize the rights or failure to make them effective when the facts were undisputed from the outset or are no longer in controversy, and whether the alleged deprivation must be shown to have had a material effect, see *Kyle v. United States*, 297 F.2d 507, 511-15(2 Cir. 1961). Qualification may also be needed

9 Dip. Cor. 1868, II, 32, 34, Moore, Dig. VII, 366, cited in 2 Hyde, International Law (1922), pages 820-821, fn. 2.

10 In the light of the purpose of the proviso to 32(a), a good date might be the President's proclamation of the end of hostilities on December 31, 1946, 51 Stat. 1048, even though the proclamation asserted that "a state of war still exists," as may well have been true for other purposes. *Fleming v. Mohawk Wrecking & Lumber Co.*, 332 U.S. 111, 116 (1947); *Woods v. Cloyd W. Miller Co.*, supra, 333 U.S. at 141-43; *Ludecke v. Watkins*, supra, 335 U.S. at 166-70; cf. *Hamilton v. Kentucky Distilleries and Warehouse Co.*, 251 U.S. 146, 164-68 (1919).

11 Many World War I statutes contained definitions of their duration. See *Hamilton v. Kentucky Distilleries and Warehouse Co.*, supra, 251 U.S. at 165-166 fn. 12. The omission of any such provision from 32(a) was presumably due to its having been intended as permanent legislation.

WE ARE INNOCENT
and Julius Rosenberg
before their execution

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before their execution

JUNE 19, 1953

The Moment That Shook The World

DID THE ELECTRIC CHAIR KILL THE DOUBTS?
HAVE 13 YEARS OF LIVING DEATH FOR MORTON SOBELL
ANSWERED THE QUESTIONS?
CAN WE FORGET?

JUNE 19, 1953

CARNEGIE HALL MEETING

8 p. m.

Hear DR. HAROLD C. UREY, Nobel Prize atomic scientist

See Film "MORTON SOBELL - A PLEA FOR JUSTICE"
and Special Filmed Interview with Bertrand Russell

Honorary guests: Prof. Frank Condon, Rainer Hille, President
Rev. G. Schubert Frye, Rev. John F. Evans, Prof. Dale Pontius,
Mrs. Eleanor Jackson, Prof. Dean Donald E. J. MacNamara

JUNE 15
2 p. m.

YOUTH APPEAL

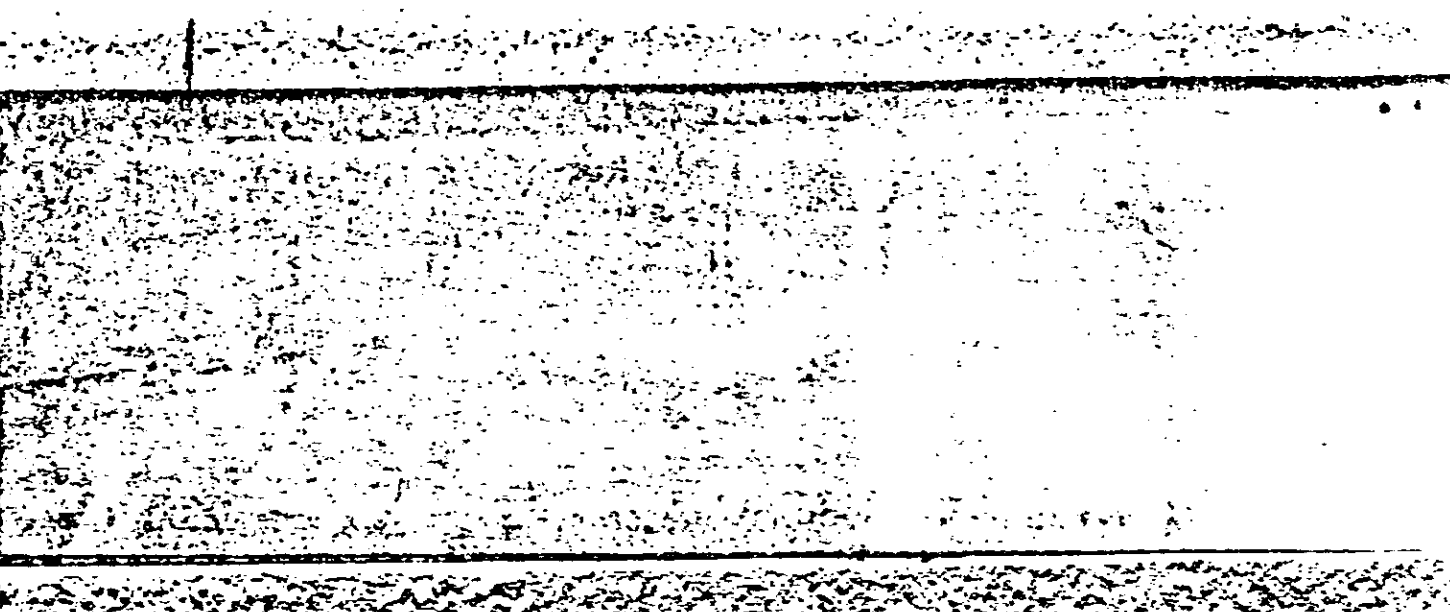
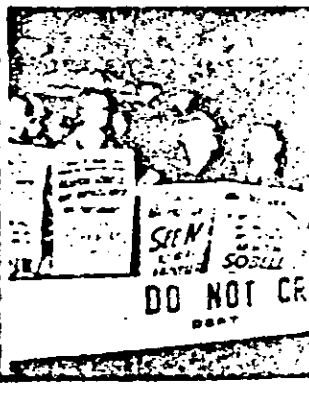
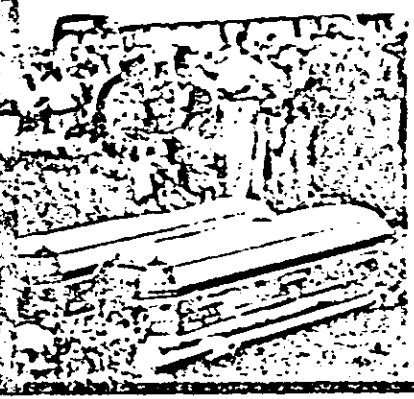
Another Generation Acts!
Join the Washington Demonstration
at the White House

JUNE 16
1 p. m.

MEMORIAL TRIBUTE

Wellwood Cemetary, Pinelawn, L. I.
on the Tenth Anniversary
of the Rosenberg Execution

Tickets for CARNEGIE HALL at \$1 each, and information
on gatherings at Cemetary and in Washington, from the
SOBELL COMMITTEE, 940 Broadway, New York 10, N. Y., AL 4-9983



PLEASE DO NOT REMOVE
THIS SLIP FROM EXHIBIT
NY 7-1077

PLEASE DO NOT REMOVE
THIS SLIP FROM EXHIBIT
NY 100-107111-1

PERSONS... MORTON SOBELL...
to take to the electric chair...
of imprisonment... charges...
accused... unjustly...
and unjustly imprisoned...

WE ARE INNOCENT...
and Julius Rosenberg...
for their execution...

JUNE 19, 1953

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JUNE 15
2 p. m.

YOUTH APPEAL

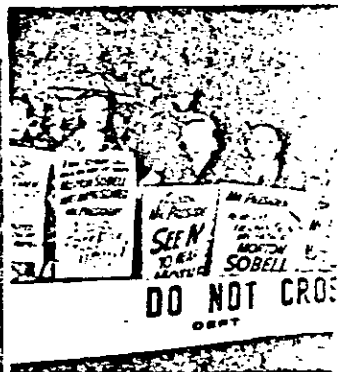
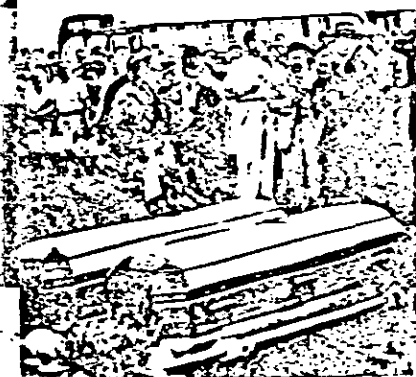
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on the Tenth Anniversary
of the Rosenberg Execution

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Committee To Secure Justice For Morton Sobell

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Mrs. Rose Sobell
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Rabbi Robert E. Goldberg
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Dr. D. R. Sharpe
Sidney Silverman, M.P.
Rev. Francis S. Tucker
Dr. Harold C. Urey
Mrs. Clara M. Vincent
Rabbi Jacob J. Weinstein
Prof. Francis D. Wormuth

Dear Friend:

June 19, 1963 is the 10th Anniversary of the execution of Ethel and Julius Rosenberg. The electric chair did not kill the doubts. The thirteen years of living death for Morton Sobell have not resolved the questions. The cry of innocence of these three echoes throughout the world.

We ask that you pay tribute to the courage of Ethel and Julius Rosenberg and Morton Sobell by making it possible to continue the efforts in this case. History will bring vindication as it has already begun to do. The courts have now held that under today's interpretation of the law a new trial would have been granted.

The senseless, cruel punishment of Morton Sobell continues despite his innocence and the feebleness of the perjured testimony against him. If Morton Sobell has been willing to lie about the Rosenbergs or about his own innocence, he would never have been subjected to such brutal treatment.

Through Alcatraz, Atlanta, long years of suffering, Morton has fought for truth and justice. Can we do less? In this 10th Anniversary Year we ask you for your heartfelt and generous contribution of action and money. The enclosed envelope is for your check. Please send it now. We need your help.

Very sincerely yours,

Helen L. Sobell

(Mrs. Morton Sobell)
For the Committee

THE DEFENDANTS

The Rosenbergs were a New York-born couple. Julius Rosenberg had been an engineer and at the time of his arrest had his own machine shop. The couple had two sons.

Morton Sobell, who grew up in the Bronx, was a radar specialist and an evening instructor at Brooklyn Polytechnical Institute. He was employed at the Reeves Instrument Company at the time of his arrest. He and his wife, Helen, have a son, Mark, now 14, and by Mrs. Sobell's previous marriage, a daughter, Sydney.

Morton Sobell and Julius Rosenberg had known each other at the City College of New York.

THE PROSECUTION

A key prosecutor, along with Irving Saypol and Myles Lane, was Roy Cohn, later to become Senator McCarthy's chief assistant. Cohn was discredited in the Army-McCarthy hearings in 1954 when it was proven that he doctored a photograph presented in evidence.

NO ESPIONAGE CHARGE

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In opposition to the defendant's plea of innocence, no documentary evidence was presented in the trial. The case rested on the testimony of government witnesses who stood to gain personally by their accusations. The trial was colored by prosecution claims, also without documentation, that the defendants were members of the Communist Party.

The chief witness against the Rosenbergs was David Greenglass, brother of Ethel Rosenberg. Greenglass, a mechanic at Los Alamos, did not claim to have stolen any documents or photographed any papers. He told a tale of having eavesdropped on scientists and from

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Of Greenglass's testimony, the U. S. Court of Appeals said: "Doubtless, if that testimony were disregarded, the conviction could not stand."

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Only one witness, Max Elitcher, accused Sobell of any involvement. Elitcher, admitting previous perjury, testified that he was "scared to death." The judge told the jury: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

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THE ROSENBERG TRIAL

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Judge Irving Kaufman, expressing the hysteria of the time, intoned against the Rosenbergs: "... I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

He condemned them to death. Nobody had ever been executed for espionage in the United States during peacetime. No woman had been executed by the federal government since 1865.

To Morton Sobell the judge said:

"The evidence in the case did not point to any activity on your part in connection with the atomic bomb project."

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where his wife could only see him through a pane of glass and talk through a telephone when she visited him. Widespread public protests against this treatment as being vindictive resulted in his transfer to Atlanta Federal Penitentiary, where he is now held.

Wife of Ethel Sobell Sues for Federal Compensation

APPEALS FOR SOBELL

The list of those urging Sobell's release has grown each year. It includes eminent persons of many viewpoints the world over (see partial listing on page 10.) There are appeals by those who question the fairness of the trial, by those who believe the Rosenbergs and Sobell innocent, by those who say the Rosenbergs were guilty but Sobell is innocent, and even by those who accept Sobell's guilt but regard the 30-year sentence as excessive and believe he should now be released.

A special independent study was made by a noted group including Edmond Cahn, professor of law at New York University, and Dr. Reinhold Niebuhr of the Union Theological Seminary. The name of inquiry called the case against Sobell "vague in content and slender in proof" and recommended a commutation of sentence.

SOBELLS IN WASHINGTON TO FIGHT

Before his election as President, then Senator John F. Kennedy had his aides meet with persons appealing for Sobell and gave every impression of planning action in his behalf. After the election, Presidential spokesmen in the White House were still optimistic about favorable action. A "new" study was said to be underway in the Justice Department. But it turned out that those assigned to the study were the same holdovers in the department who previously had the responsibility of defending the verdict and the execution of the Rosenbergs.

Presidential clemency was denied. The official position was that it would be up to the parole board.

PAROLE BOARD

Morton Sobell is officially eligible for parole. He has a job waiting for him, Rabbi Badoure Brinkhor, director of the Joint Commission on Interfaith Activities of the Union of American Hebrew Congregations.

voted for a new Sobell trial in a dissenting opinion holding that Sobell's case should have been considered separately from that of the Rosenbergs.

PROSECUTION TACTICS

"Wholly reprehensible" was the expression the U.S. Court of Appeals used in one decision describing prosecution tactics in getting publicity prejudicial to the defense during the trial. The court said that if the defense had raised the question sooner, a mistrial should have been declared.

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The furor that the Rosenberg-Sobell trial unleashed has been paralleled only by such cases as the Mooney-Williams and Sacco-Vanzetti cases in the United States and the Dreyfus case abroad. There were public meetings and demonstrations, debates in the press, thousands marching before the White House, and pleas pouring in from throughout the world. Pope Pius XII, the president of France, and Albert Einstein were among those who intervened for clemency.

A legal battle raged until the last moment. Justice Douglas granted a stay of execution, braving later moves for his impeachment. The Supreme Court had adjourned for the summer, but it was called back into unprecedented session to overrule Justice Douglas 6-3 while the executioner stood by in Sing Sing prison. A few hours later, on June 19, 1953, with the execution moved ahead until just before sundown to avoid having it occur on the Jewish Sabbath, Julius and Ethel Rosenberg were electrocuted. They swore their innocence in final statements. A telephone was kept open to the death chamber with the offer to spare them if they would admit guilt.

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gations and the Central Conference of American Rabbis, has agreed to serve as his parole advisor. Sobell's wife, his mother, and his children have stood by him, working for his freedom, and the family has maintained as close a relationship as possible through prison visits and correspondence.

Donald E. J. MacNamara, Dean of the New York Institute of Criminology, describes Sobell as the ideal candidate for parole under every accepted criterion. Noted from throughout the country testified in Washington in behalf of Sobell at a parole hearing and recommended that he be allowed to return to society and make his contributions as a scientist.

Parole has been denied. No reasons have been cited.



The Rosenberg-Sobell case has come through the fabric of the last decade. There have been countless statements by authorities that Russian scientific capacities were woefully underestimated and Soviet development did not come from espionage. Yet two persons are buried in a grave on Long Island on the accusation that they gave Russia the atomic bomb.

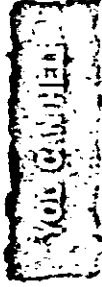
Newspaper columnist Jack Scott has commented in the Vancouver Sun: "Sobell, himself, has continued to protest his innocence, although a confession, whether true or false, would lighten his staggering sentence. . . . I happened to be reading a booklet on the witchcraft trials in Salem, Mass., when I came across the Sobell file. One paragraph tells of 13 women and six men hanged as witches and concludes, 'Fifty persons confessed and were freed. The comparison with the Rosenberg-Sobell case is unavoidable.'"



Professor Francis D. Wormuth, of the University of Utah, authority on Constitutional law, comments on Sobell "the man in the iron mask of American jurisprudence" because of fear in Washington of opening the Pandora's box of the Rosenberg-Sobell case.

A committee of eminent Americans is seeking to form an independent Commission of Inquiry that would investigate the entire case from top to bottom and render a verdict in the light of present perspective.

Meanwhile, there is a continuing urgent effort to free Morton Sobell through renewed appeals to the courts, to the parole board, to President Kennedy for executive action, and to the public conscience.



1. Write to President Kennedy urging that Morton Sobell and name an independent research commission into the Rosenberg-Sobell case.
2. Show to your organization or home party a new 16mm sound film "Morton Sobell: A Search for Justice" (30 minutes).
3. Send a contribution to the Sobell Campaign at the address below to help carry on this work.
4. Circulate this booklet and other material for more intensive study. The full booklet can be bought for \$6 per set of 50 copies; it can be borrowed.

SOBELL COMMITTEE

910 Broadway, New York 10, N.Y.

AL-4-9943

Among those who have urged S-

release on many grounds are:

Rev. Gross W. Alexander
David Andrews
Roger Baldwin
Rabbi J. S. Bass
Carleton Beals
Helen M. Beardsley
Dr. John C. Bennett
Leo Berman
Rabbi Samuel Bernstein
Robert Bolt
Rabbi Balfour Brickner
Dr. Martin Buber
Dr. Edmond Cahn
Pablo Casals
Lord Chorley
Harold A. Cranefield
Lloyd Donnell
Rabbi Maurice B. Eisendrath
Elizabeth, Queen Mother of Belgium
Dr. Thomas I. Emerson
Rev. John E. Evans
James T. Farrell
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Leo Hurwitz
Rev. John Paul Jones
Rev. Joseph P. King
Rev. Martin Luther King, Jr.
William Kunstler
Morris Laub
Dr. Paul L. Lehmann
Rabbi Arthur J. Lelyveld
Doris Lessing
Donal E. J. MacNamara
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Rev. Peter McCormack
Sen. Lee Metcalf
Dr. Uri Miller
Gerhard D. W. Mueller
Lewis Mumford
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Rowland Watts
Rabbi Jacob J. Weinstein
Arnold Wesker
Dr. Daniel Day Williams
Prof. Francis D. Wormuth
Belgian League for Rights for Man
Christian Century
The Nation Magazine
The New Republic
The New York Post
The Progressive
Social Action Commission of the
Union of American Hebrew
Congregations
Thirty Members of Parliament, Britain
Women's International League for
Peace and Freedom
1500 American Clergymen

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APPEALS FOR CLEMENCY

Before his election as President, then Senator John F. Kennedy had his aides meet with persons appealing for Sobell and gave every impression of planning action in his behalf. After the election, Presidential spokesmen in the White House were still optimistic about favorable action. A "new" study was said to be underway in the Justice Department. But it turned out that those assigned to the study were the same holdovers in the department who previously had the responsibility of defending the verdict and the execution of the Rosenbergs.

Presidential clemency was denied. The official position was that it would be up to the parole board.

APPEALS FOR CLEMENCY

Morton Sobell is officially eligible for parole. He has a job waiting for him, Rabbi Halfour Brickner, director of the Joint Commission on Interfaith Activities of the Union of American Hebrew Congre-

gations and the Central Conference of American Rabbis, has agreed to serve as his parole advisor. Sobell's wife, his mother, and his children have stood by him, working for his freedom, and the family has maintained as close a relation as possible through prison visits and correspondence.

Donal E. J. MacNamara, Dean of the New York Institute of Criminology, describes Sobell as the ideal candidate for parole under every accepted criterion. Notables from throughout the country testified in Washington in behalf of Sobell at a parole hearing and recommended that he be allowed to return to society and make his contributions as a scientist.

Parole has been denied. No reasons have been cited.



The Rosenberg-Sobell case runs through the fabric of the last decade. There have been countless statements by authorities that Russian scientific capacities were woefully underestimated and Soviet development did not come from espionage. Yet two persons are buried in a grave on Long Island on the accusation that they gave Russia the atomic bomb.

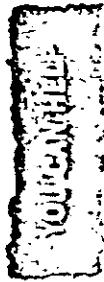
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A committee of eminent Americans is seeking to form an independent Commission of Inquiry that would investigate the entire case from top to bottom and render a verdict in the light of present perspective.

Meanwhile, there is a continuing urgent effort to free Morton Sobell through renewed appeals in the courts, to the parole board, to President Kennedy for executive action, and to the public conscience.



1. Write to President Kennedy urging that he free Sobell and name an independent inquiry commission into the Rosenberg-Sobell case.
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4. Circulate this booklet and other available material for more intensive study. The full trial record can be bought for \$6 per set of 8 volumes, or it can be borrowed.

SOBELL COMMITTEE

940 Broadway, New York 10, N.Y.

VI 19983

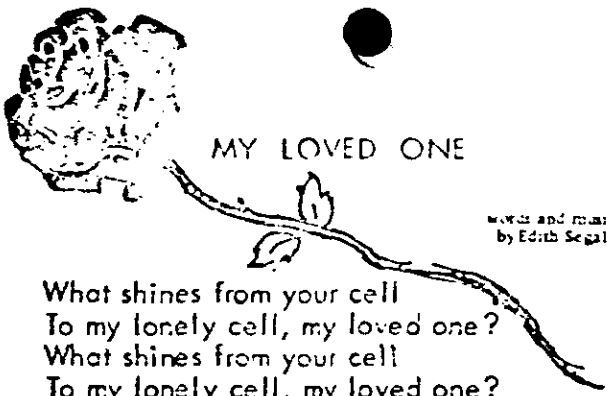
Among those who have urged Sobell's release on many grounds are:

Rev. Gross W. Alexander	Rev. Peter McCormack
David Andrews	Sen. Lee Metcalf
Roger Baldwin	Dr. Uri Miller
Rabbi J. S. Bass	Gerhard O. W. Mueller
Carleton Beals	Lewis Mumford
Helen M. Beardsley	Dr. Gardner Murphy
Dr. John C. Bennett	Jerome Nathanson
Leo Bernan	Dr. Reinhold Niebuhr
Rabbi Samuel Bernstein	Lord Boyd Orr
Robert Bolt	Prof. Victor Paschkis
Rabbi Balfour Brickner	Dr. Linus Pauling
Dr. Martin Buber	Dr. Dryden Linsley Phelps
Dr. Edmond Cahn	Clarence E. Pickett
Pablo Casals	Prof. Dale Pontius
Lord Cherley	Dr. Luis Sanchez Ponton
Harold A. Cranchfield	Rabbi Emanuel Rackman
Lloyd Donnell	Howard B. Radest
Rabbi Maurice B. Eisendrath	Paul Ramsey
Elizabeth, Queen Mother of Belgium	Prof. Anatol Rapaport
Dr. Thomas I. Emerson	Prof. Oscar K. Rice
Rev. John E. Evans	Prof. Fred Rodell
James T. Farrell	Lord Bertrand Russell
Rabbi Morris Fishman	Jean-Paul Sartre
Rev. Kenneth Ripley Forbes	Prof. Malcolm Sharp
Waide Frank	Dr. D. R. Sharpe
Rev. G. Shubert Frye	Alan Silitoe
Rev. Erwin A. Gaede	Sydney Silverman, M.P.
Maxwell Geismar	Harvey Swados
Rabbi Robert E. Goldberg	Norman Thomas
Rabbi Israel Goldstein	Rev. Francis S. Tucker
Prof. Erwin R. Goodenough	Kenneth Tynan
Rev. Donald Harrington	Dr. Harold C. Urey
Dr. A. Eustace Hayden	Mrs. Clara M. Vincent
Nat. Hentoff	Rewland Watts
Rev. John Haynes Holmes	Rabbi Jacob J. Weinstein
Rabbi Philip Horowitz	Arnold Wesker
Leo Hurwitz	Dr. Daniel Day Williams
Rev. John Paul Jones	Prof. Francis D. Wormuth
Rev. Joseph P. King	Belgian League for Rights for Man
Rev. Martin Luther King, Jr.	Christian Century
William Kunstler	The Nation Magazine
Morris Laub	The New Republic
Dr. Paul L. Lehmann	The New York Post
Rabbi Arthur J. Lelyveld	The Progressive
Doris Lessing	Social Action Commission of the
Donal E. J. MacNamara	Union of American Hebrew
Daniel G. Marshall	Congregations
Dr. Leo Mayer	Thirty Members of Parliament, Britain
Milton Mayer	Women's International League for
Louis F. McCabe	Peace and Freedom
	1500 American Clergymen

For further information write:

SOBELL COMMITTEE, 910 Broadway, New York 10, N.Y.

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MY LOVED ONE

words and music
by Edith Segal

What shines from your cell
To my lonely cell, my loved one?
What shines from your cell
To my lonely cell, my loved one?
Your eyes like bright stars
Shining through prison bars,
Your eyes like bright stars, my loved one.

Oh if I could bring
Oh what would I bring my loved one?
Oh if I could bring
Oh what would I bring my loved one?
I'd bring a red rose
And my heart I'd enclose,
I'd bring a red rose, my loved one.

And if I could speak
Oh what would I say, my loved one?
And if I could speak
Oh what would I say, my loved one?
I'd say "I love you
Our love's old, our love's new,"
I'd say "I love you," my loved one.

And if we could sing
Of what would we sing, my loved one?
And if we could sing
Of what would we sing, my loved one?
We'd sing of the light
That comes out of dark night,
We'd sing of the light, my loved one.

Will our children laugh,
Will we hear them laugh, my loved one?
Will our children laugh,
Will we hear them laugh, my loved one?
We know it will be
For the people and we
Will fight till we're free, my loved one.

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by Edith Segal

Committee to Secure Justice for Morton Sobell
945 Broadway, New York 10, N.Y.



IF WE DIE

by Ethel Rosenberg

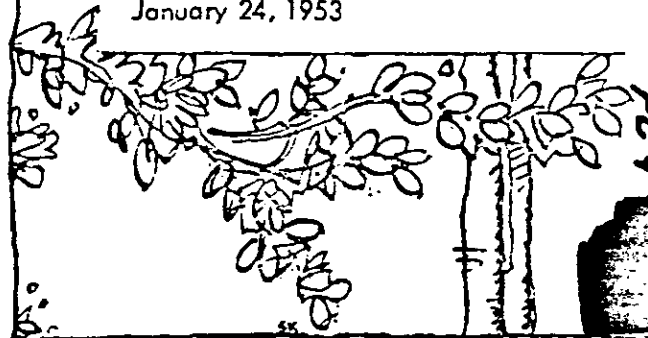
You shall know, my sons, shall know
why we leave the song unsung,
the book unread, the work undone
to rest beneath the sod.

Mourn no more, my sons, no more
why the lies and smears were framed,
the tears we shed, the hurt we bore
to all shall be proclaimed.

Earth shall smile, my sons, shall smile
and green above our resting place,
the killing end, the world rejoice
in brotherhood and peace.

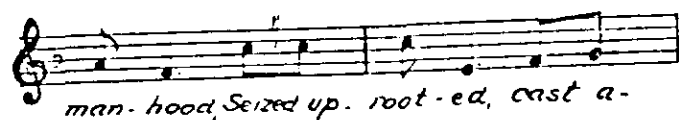
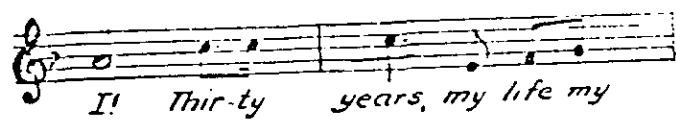
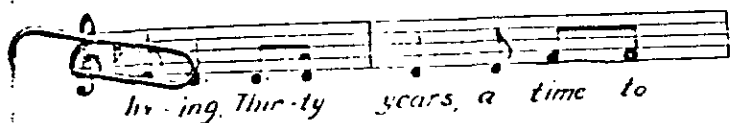
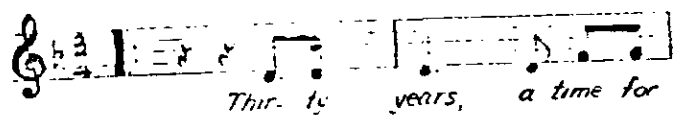
Work and build, my sons, and build
a monument to love and joy,
to human worth, to faith we kept
for you, my sons, for you.

Ossining, N.Y.
January 24, 1953



THIRTY YEARS
A Ballad for Martin Sobell

Words and music
by Edith Segal



copyright 1959
Edith Segal

THIRTY YEARS

Thirty years, a time for living,
Thirty years, a time to die,
Thirty years, the judge pronounced it,
Innocent, I swear, am I!

Thirty years, my life, my manhood,
Seized, uprooted, cast away
By the mighty robed in falsehood,
By the bigots of the day.

Listen all who walk in freedom,
Listen all who treasure time,
Listen all who've tasted terror,
What is justice, what is crime?

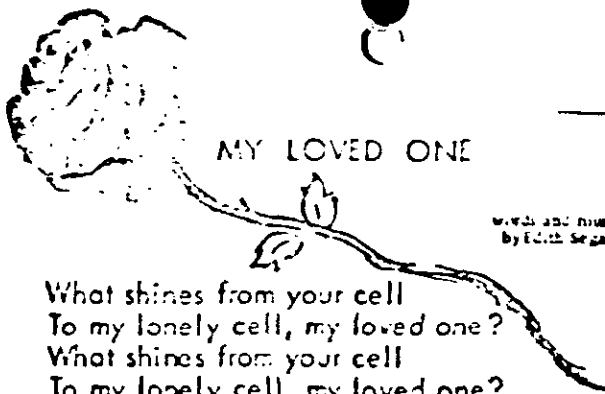
Shall I languish here forgotten
On the perjured word of one
Or will valiant men and women
Cry for justice to be done?

Ten gone years lie cold and fallow,
Twenty more? It cannot be!
Voices rise and high walls crumble,
Days of home again I see!

I'll return to you dear children,
Brave, sweet mother, sterling wife,
We will welcome Spring together,
We'll retrieve our stolen life.

Oh to walk among the people,
Clasp their hands, their faces see
In the sunlight, working, singing,
Soon, oh soon I must be free!

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400 Broadway, New York 10, N. Y.



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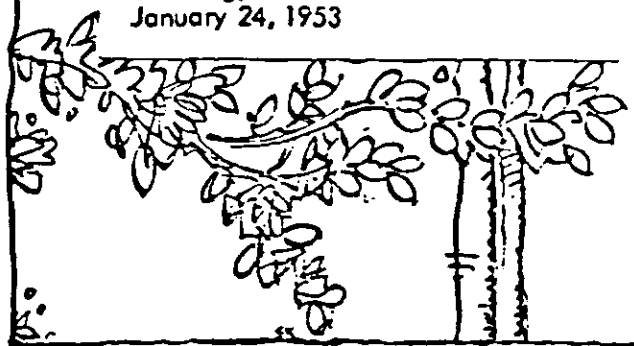
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THIRTY YEARS
 A Ballad by Morton Sobell

© 1953

© 1953
 Fair Deal

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The Facts in the Rosenberg-Sobell Case 1950-1963

THE DEFENDANTS

The Rosenbergs were a New York-born couple. Julius Rosenberg had been an engineer and at the time of his arrest had his own machine shop. The couple had two sons, Morton Sobell, who grew up in the Bronx, was a radar specialist and an evening instructor at Brooklyn Polytechnical Institute. He was employed at the Reeves Instrument Company at the time of his arrest. He and his wife, Helen, have a son, Mark, now 14, and by Mrs Sobell's previous marriage, a daughter, Sydney.

Morton Sobell and Julius Rosenberg had known each other at the City College of New York.

THE PROSECUTION

A key prosecutor, along with Irving Saypol and Myles Lane, was Roy Cohn, later to become Senator McCarthy's chief assistant. Cohn was discredited in the Army-McCarthy hearings in 1954 when it was proven that he doctored a photograph presented in evidence.

NO ESPIONAGE CHARGE

The gap between the headlines and the facts was wide. Neither the Rosenbergs nor Sobell were charged with espionage or treason. The charge was "conspiracy to commit" espionage. The difference: under the loose conspiracy charge, no proof of any actual acts of espionage is needed. The conspiracy charge is traditionally resorted to when proof of actual acts is lacking.

NO DOCUMENTARY EVIDENCE

In opposition to the defendants' plea of innocence, no documentary evidence was presented in the trial. The case rested on the testimony of government witnesses who stood to gain personally by their accusations. The trial was colored by prosecution claims, also without documentation, that the defendants were members of the Communist Party.

The chief witness against the Rosenbergs was David Greenglass, brother of Ethel Rosenberg. Greenglass, a mechanic at Los Alamos, did not claim to have stolen any documents or photographed any papers. He told a tale of having eavesdropped on scientists and friends.

© 1954, Scribner's Sons. Reprinted by the publisher, Dr. Robert Sobell and Jack & Rose Greenglass, in their book, "I Am a Jew," which is a completely different case.

their conversation during the examination he admitted he had studied the record subpoenaed and recitation testimony, asserted to have been transmitted to the glass's capacity is wholly chemistry and mathematics of a glass was sentenced to life having been released at the

Of Greenglass's testimony, the S. Court of Appeals said: "Doubtless, if that testimony were regarded, the conviction could not stand."

THE CASE AGAINST SOBELL

Only one witness, Max Elitcher, testified that he was "scared to death." The judge told the jury: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

Elitcher did not claim Sobell ever passed or received any secret material. He told the jury that Sobell, although he supposedly never specified) to Julius Rosenberg. Elitcher did not claim he saw Sobell give anything to Rosenberg. Elitcher has never been prosecuted for his confessed perjury. He has been helped to find employment, as a reward for his testimony.

Sobell's lawyers advised him that the case was so flimsy his most effective defense would be to plead a plea of innocence, without even taking the witness stand. He was wanting to take the stand, reluctantly bowed to their legal

THE CASE AGAINST GOLD

Harry Gold never claimed to know the Rosenbergs and Sobell. But Gold, already under a 30-year sentence, described himself as the man to whom Greenglass gave the atomic data he said he obtained by eavesdropping on scientists. In a later trial, a man whom Gold accused went free. The court heard Gold's admission of having lived such a life as it is a wonder that steam didn't come out of my ears.

Elizabeth Bentley, who had been a frequent witness at the trials and Congressional hearing, testified that she didn't claim to know the Rosenbergs or Sobell but that she had given testimony on espionage methods. She was subsequently convicted in other proceedings. For example, she once acted as a spy for the Russians supplied the Russians with advance information on the atomic bomb raid on Tokyo which

was gleaned while the accused was in the Air Corps. But it was proven that the man wasn't in the Air Corps until months after the raid. Former U.S. Congressman Byron Scott of California charged before a Congressional committee that 37 discrepancies had been found in Elizabeth Bentley's testimony in that case.



Ethel Rosenberg



Julius Rosenberg

UNPRECEDENTED SENTENCES

The verdict was "guilty." Dr. Harold C. Urey has said: "This jury was hearing this trial in the midst of the McCarthy hysteria during the Korean War when people were very much upset about these things and it would seem to me very difficult for any member of this jury to have gone home after voting for acquittal and retained his job or his position in his community." Judge Irving Kaufman, expressing the hysteria of the time, intoned against the Rosenbergs: "... I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country." He condemned them to death. Nobody had ever been executed for espionage in the United States during peacetime. No woman had been executed by the federal government since 1865. To Morton Sobell the judge said: "The evidence in the case did not point to any activity on your part in connection with the atomic bomb project." He condemned Sobell to 30 years, and recommended against parole.

NEW EVIDENCE

Since the trial the following new evidence has been presented in court:

- Memoranda of David Greenglass's lawyers revealing that Greenglass, according to documents in his own handwriting, told conflicting stories; that Greenglass's wife confided that her husband was an habitual liar who had fits of hysteria and ran nude through hallways shouting incoherencies; and memoranda indicating that a deal was made with the prosecution to lighten Greenglass's punishment in exchange for his testimony.
- Proof that a console table the Rosenbergs owned was an ordinary, inexpensive table bought in Mexico as they had testified. The prosecution had claimed the table, not testified in court, was an expensive gift from the Russians hollowed out for secret microfilm work.
- Proof that the prosecution brought a passport photographer to court secretly to observe the Rosenbergs. Later, on the stand, he claimed he was identifying them upon seeing them for the first time in court.
- Proof that Morton Sobell was kidnapped from Mexico at the instigation of the prosecution, and that at the trial the prosecution claimed fraudulently that the Mexican government had deported Sobell, thus giving the court the impression that Sobell was a fugitive. The new evidence showed that the Mexican government not only did not deport Sobell, but took action to see that its laws were not violated by an international kidnapping.
- Proof that Sobell and his family went to Mexico in a normal manner with proper tourist cards and air tickets, and in their own name. Sobell, as a scientist and teacher with left-wing views, has admitted that hysteria in the United States frightened him, and while in Mexico on vacation he thought of living abroad. He made inquiries under other names for passage to France and Israel. But he lived openly in Mexico City under his own name where he could be reached readily, and not as a fugitive.

NONE OF THIS EVIDENCE HAS EVER BEEN GIVEN A HEARING IN COURT. Each time the prosecution has managed to avoid a hearing on the merits.

THE SUPREME COURT HAS REVIEWED THE CASE MANY TIMES AND FOUND NOTHING WRONG. THE FACT IS, AS JUSTICE BLACK HAS STATED, "THIS COURT HAS NEVER REVIEWED THIS RECORD, AND HAS NEVER AFFIRMED THE FAIRNESS OF THE TRIAL BELOW." THE SUPREME COURT HAS EMPHASIZED THAT REFUSAL TO REVIEW A CASE IN NO WAY JUDGES ITS MERITS. FURTHER, APPEALS ARE LIMITED TO LEGAL POINTS, NOT THE QUESTION OF INNOCENCE OR GUILT OR WHICH WITNESS WAS TELLING THE TRUTH.

Defenders of the Rosenbergs Sobell verdict often claim that the Supreme Court has reviewed the case many times and found nothing wrong. The fact is, as Justice Black has stated, "This Court has never reviewed this record, and has never affirmed the fairness of the trial below." The Supreme Court has emphasized that refusal to review a case in no way judges its merits. Further, appeals are limited to legal points, not the question of innocence or guilt or which witness was telling the truth.

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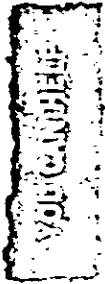
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AL 1-0983

voted for a new Sobell trial in a dissenting opinion holding that Sobell's case should have been considered separately from that of the Rosenbergs.

PROSECUTION TACTICS

"Wholly reprehensible" was the expression the U.S. Court of Appeals used in one decision describing prosecution tactics in getting publicity prejudicial to the defense during the trial. The court said that if the defense had raised the question sooner, a mistrial should have been declared.

Recent court decisions have emphasized other prosecution unfairness. The prosecution repeatedly implied to the jury that Ethel Rosenberg's answers at the trial could not be believed because she had pleaded the 5th Amendment to the same questions previously before a Grand Jury. Supreme Court rulings in other cases since the execution have branded such tactics as unfair and illegal.

On Feb. 6, 1963, the U.S. Court of Appeals acknowledged that under today's interpretation of the law the trial of Ethel and Julius Rosenberg and Morton Sobell would have been considered unfair. But the court said it is too late for Sobell to raise the point. Legally speaking, the Appeals Court said, it would not be too late for Ethel Rosenberg, if she were alive, to raise the point.

APPEALS FOR CLEMENCY

The furor that the Rosenberg-Sobell trial unleashed has been paralleled only by such cases as the Money-Billings and Sacco-Vanzetti cases in the United States and the Dreyfus case abroad. There were public meetings and demonstrations, debates in the press, thousands marching before the White House, and pleas pouring in from throughout the world. Pope Pius XII, the President of France, and Albert Einstein were among those who intervened for clemency.

A legal battle raged until the last moment. Justice Douglas granted a stay of execution, braving later moves for his impeachment. The Supreme Court had adjourned for the summer, but it was called back into unprecedented session to overrule Justice Douglas 6-3 while the executioner stood by in Sing Sing prison. A few hours later, on June 19, 1953, with the execution moved ahead until just before sundown to avoid having it occur on the Jewish Sabbath, Julius and Ethel Rosenberg were electrocuted. They swore their innocence in final statements. A telephone was kept open to the death chamber with the offer to spare them if they would admit guilt.

Morton Sobell received the news in Alcatraz, a prison supposedly for hardened criminals. He had been sent there on Thanksgiving Day, 1952, after he refused to admit guilt and accuse the Rosenbergs. After the death of the Rosenbergs he was approached again to change his testimony. Sobell spent five and a half years in Alcatraz.

where his wife could talk through a telephone when she visited him. Widespread public protests against this treatment as being vindictive resulted in his transfer to Atlanta Federal Penitentiary, where he is now held.

1953 YEAR-END SURVEY Subject: Public Opinion

APPEALS COURT SILENT

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HOPE IN WASHINGTON AWAKED

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Mrs. Clara M. Vincent
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Rabbi Jacob J. Weinstein
Arnold Wesker
Dr. Daniel Day Williams
Prof. Francis D. Wormuth
Belgian League for Rights for Man
Christian Century
The Nation Magazine
The New Republic
The New York Post
The Progressive
Social Action Commission of the
Union of American Hebrew
Congregations
Thirty Members of Parliament, Britain
Women's International League for
Peace and Freedom
1500 American Clergymen

For further information write:

SOBELL COMMITTEE, 940 Broadway, New York 10, N.Y.

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THIS SLIP FROM EXHIBIT
NY 100-10711-15

This Court (the US Supreme Court) has never reviewed the record and has never affirmed the verdict of the trial below. Without affirming any of the actions of the trial by the highest court in the land there may always be questions as to whether these executions were legal and finally carried out.

— J. S. M. H. O. B. L. K.

THE ARRESTING FACTORS Sobell continues to state to the world in his nineteenth year of imprisonment. It has been shown unjustly accused, unjustly tried, unjustly sentenced and unjustly imprisoned (these many) years.

THE ARRESTING FACTORS Ethel and Julius Rosenberg moved to the unit before their execution ten years ago.

The Facts in the Rosenberg-Sobell Case 1950-1963

b 7d



THE DEFENDANTS

The Rosenbergs were a New York-born couple, Julius Rosenberg had been an engineer and at the time of his arrest had his own machine shop. The couple had two sons.

Morton Sobell, who grew up in the Bronx, was a radar specialist and an evening instructor at Brooklyn Polytechnical Institute. He was employed at the Kveves Instrument Company at the time of his arrest. He and his wife, Helen, have a son, Mark, now 14, and by Mrs. Sobell's previous marriage, a daughter, Sydney.

Morton Sobell and Julius Rosenberg had known each other at the City College of New York.

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A key prosecutor, along with Irving Saypol and Myles Lane, was Roy Cohn, later to become Senator McCarthy's chief assistant. Cohn was discredited in the Army-McCarthy hearings in 1954 when it was proven that he doctored a photograph presented in evidence.

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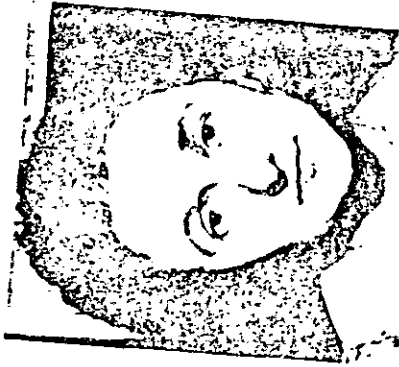
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Harry Gold never claimed to have shown the Rosenbergs and Sobell. But Gold, already under a 30 years sentence, described himself as the man to whom Greenglass gave the atomic data he said he obtained by eavesdropping on scientists. In a later trial, a man whom Gold accused went free after court heard Gold's admission of having lived such a life of lies. It is a wonder that steam didn't come out of my ears." Gold is still in prison.

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charged before a Congressional committee that 37 discrepancies had been found in Elizabeth Bentley's testimony in that case.



Ethel Rosenberg



Julius Rosenberg

OVERSIGHTED EVIDENCE

The verdict was "guilty." Dr. Harold C. Urey has said:

"This jury was hearing this trial in the midst of the McCarthy hysteria during the Korean War when people were very much upset about these things and it would seem to me very difficult for any member of this jury to have gone home after voting for acquittal and retained his job or his position in his community."

Judge Irving Kaufman, expressing the hysteria of the time, intoned against the Rosenbergs: "... I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

He condemned them to death. Nobody had ever been executed for espionage in the United States during peacetime. No woman had been executed by the federal government since 1865.

To Morton Sobell the judge said:

"The evidence in the case did not point to any activity on your part in connection with the atomic bomb project."

He condemned Sobell to 30 years, and recommended against parole.

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Since the trial the following evidence has been presented in court:

- Memoranda of David Greenglass, revealing that Greenglass, according to documents in his own handwriting, told conflicting stories; that Greenglass, confident that her husband was an habitual liar who had fits of hysteria and ran nude through hallways shouting incoherencies; a memorandum indicating that a deal was made with the prosecution; a memorandum indicating that a memorandum in exchange for his testimony.
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- Proof that the prosecution hired a secret microfilm work court secretly to observe the Rosenbergs. Later, on the stand, he claimed he was identifying them by seeing them for the first time in court.

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- Proof that Sobell and his family went to Mexico in a normal manner with proper tourist cards and tickets, and in their own name. Sobell, as a scientist and teacher with left-wing views, admitted that hysteria in the United States frightened him, has while in Mexico on vacation he thought of living abroad, and he inquires under other names for passage to France and Israel. He he lived openly in Mexico City under his own name where he could be reached readily, and not as a fugitive.

NONE OF THIS EVIDENCE HAS EVER BEEN GIVEN A HEARING IN COURT. Each time the prosecution has managed to avoid a hearing on the merits.

DEFENDERS' CLAIM NEVER REVIEWED

Defenders of the Rosenberg-Sobell verdict often claim that the Supreme Court has reviewed the case many times and found nothing wrong. The fact is, as Justice Frankfurter has stated, "This Court has never reviewed this record and has never affirmed the fairness of the trial below." The Supreme Court has emphasized the fairness to review a case in no way judges its merits. Further, appeals are limited to legal points, not the question of innocence or guilt or which witness was telling the truth.

(One judge of the U.S. Court of Appeals, the late Jerome Frank,

voted for a new Sobell trial in a dissenting opinion holding that Sobell's case should have been considered separately from that of the Rosenbergs.

PROSECUTION TACTICS

"Wholly reprehensible" was the expression the U. S. Court of Appeals used in one decision describing prosecution tactics in getting publicity prejudicial to the defense during the trial. The court said that if the defense had raised the question sooner, a mistrial should have been declared.

Recent court decisions have emphasized other prosecution unfairness. The prosecution repeatedly implied to the jury that Ethel Rosenberg's answers at the trial could not be believed because she had pleaded the 5th Amendment to the same questions previously before a Grand Jury. Supreme Court rulings in other cases since the execution have branded such tactics as unfair and illegal.

On Feb. 6, 1963, the U.S. Court of Appeals acknowledged that under today's interpretation of the law the trial of Ethel and Julius Rosenberg and Morton Sobell would have been considered unfair. But the court said it is too late for Sobell to raise the point. Legally speaking, the Appeals Court said, it would not be too late for Ethel Rosenberg, if she were alive, to raise the point.

APPEALS FOR CLEMENCY

The furor that the Rosenberg-Sobell trial unleashed has been paralleled only by such cases as the Mooney-Billings and Sacco-Vanzetti cases in the United States and the Dreyfus case abroad. There were public meetings and demonstrations, debates in the press, thousands marching before the White House, and pleas pouring in from throughout the world. Pope Pius XII, the President of France, and Albert Einstein were among those who intervened for clemency.

A legal battle raged until the last moment. Justice Douglas granted a stay of execution, braving later moves for his impeachment. The Supreme Court had adjourned for the summer, but it was called back into unprecedented session to overrule Justice Douglas 6-3 while the executioner stood by in Sing Sing prison. A few hours later, on June 19, 1953, with the execution moved ahead until just before sundown to avoid having it occur on the Jewish Sabbath, Julius and Ethel Rosenberg were electrocuted. They swore their innocence in final statements. A telephone was kept open to the death chamber with the offer to spare them if they would admit guilt.

Morton Sobell received the news in Alcatraz, a prison supposedly for hardened criminals. He had been sent there on Thanksgiving Day, 1952, after he refused to admit guilt and accuse the Rosenbergs. After the death of the Rosenbergs he was approached again to change his testimony. Sobell spent five and a half years in Alcatraz.

where his wife could only see him through a pane of glass and talk through a telephone when she visited him. Widespread public protests against this treatment as being vindictive resulted in his transfer to Atlanta Federal Penitentiary, where he is now held.

30-YEAR TERM IN FEDERAL PRISON

APPEALS FOR SOBELL

The list of those urging Sobell's release has grown each year. It includes eminent persons of many viewpoints the world over (see partial listing on page 10.) There are appeals by those who question the fairness of the trial, by those who believe the Rosenbergs and Sobell innocent, by those who say the Rosenbergs were guilty but Sobell is innocent, and even by those who accept Sobell's guilt but regard the 30-year sentence as excessive and believe he should now be released.

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HOPE IN WASHINGTON DASHED

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PAROLE DENIED

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gations and the Central Conference of American Rabbis, has agreed to serve as his parole advisor. Sobell's wife, his mother, and his children have stood by him, working for his freedom, and the family has maintained as close a relation as possible through prison visits and correspondence.

Donald F. J. MacNamara, Dean of the New York Institute of Criminology, describes Sobell as the ideal candidate for parole under every accepted criterion. Notables from throughout the country testified in Washington in behalf of Sobell at a parole hearing and recommended that he be allowed to return to society and make his contributions as a scientist.

Parole has been denied. No reasons have been cited.

The Rosenberg-Sobell case runs through the fabric of the last decade. There have been countless statements by authorities that Russian scientific capacities were woefully underestimated and Soviet development did not come from espionage. Yet two persons are buried in a grave on Long Island on the accusation that they gave Russia the atomic bomb.

Newspaper columnist Jack Scott has commented in the Vancouver Sun: "Sobell, himself, has continued to protest his innocence, although a confession, whether true or false, would lighten his staggering sentence . . . I happened to be reading a booklet on the witchcraft trials in Salem, Mass., when I came across the Sobell file. One paragraph tells of 13 women and six men hanged as witches and concludes: 'Fifty persons confessed and were freed.' The comparison with the Rosenberg-Sobell case is unavoidable."

FOR REVIEW URGED

Professor Francis D. Wormuth of the University of Utah, authority on Constitutional law, calls Sobell "the man in the iron mask of American jurisprudence" because of fear in Washington of opening the Pandora's box of the Rosenberg-Sobell case.

A committee of eminent Americans is seeking to form an independent Commission of Inquiry that would investigate the entire case from top to bottom and render a verdict in the light of present perspective.

Meanwhile, there is a continuing urgent effort to free Morton Sobell through renewed appeals in the courts, to the parole board, to President Kennedy for executive action, and to the public conscience.

1. Write to President that he free Sobell and name inquiry commission into the Rosenberg case.

2. Show to your organization the new 16mm sound film—"A Plea for Justice" (30 min)

3. Send a contribution to the committee at the address below for its work.

4. Circulate this booklet. Available material for more information. Trial record can be bought in volumes, or it can be borrowed.

SOBELL

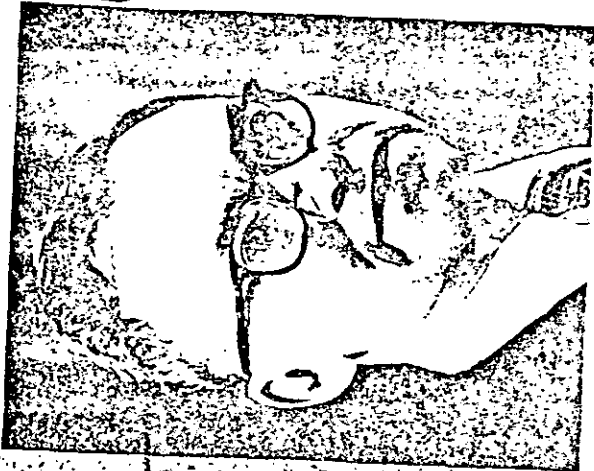
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For further information write:

SOBELL COMMITTEE, 910 Broadway, New York 10, N.Y.



Morton Sobell

TIME OF DENIAL

Historians now call it the era of McCarthyism. It was a time of fear and suspicion. Our nation had been assured the atomic bomb would remain an American monopoly for years to come. When Russia unexpectedly exploded a bomb in 1949, "they stole it from us" was the panicky national response and a search for spies was on. But Time Magazine commented on Jan. 2, 1950:

"For the last decade, there has been no 'atom-bomb secret' again and again by the Atomic Energy Commission . . . Last week the A.E.C.'s files yielded documentary proof: Russian scientific papers on the project, published in 1940, before the U.S. started its atom bomb project . . . The basic 'secrets' were already in their files. Until this week the Russian papers have been known to few. If the facts they contain had been properly publicized, a lot of spy chasing and pointless orating might have been avoided."

TRIAL BY HEADLINE

Suddenly the cause of Russia's A-bomb was said to be discovered by those still insisting it was espionage. Headlines in July, 1950, blamed the arrest of Julius Rosenberg as the "atom spy" who was responsible for Russia having the bomb. His wife was arrested a short while later. In August, Morton Sobell was added as another "atom spy" even though the trial judge was later to say that Sobell was not connected with the atomic project. The Rosenbergs and Sobell swore their innocence. Sobell was pressured to become an accusing witness while the question of a trial for him was delayed. It was only when he still insisted on his innocence that his name was listed as a defendant. The only "overt acts" charged were five conversations which he allegedly had with Julius Rosenberg. Those conversations were not to be mentioned at the trial. In the headlines,

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Ethel Rosenberg



Julius Rosenberg

UNPRECEDENTED SENTENCES

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- Proof that Morton Sobell was kidnapped from Mexico at the instigation of the prosecution, and that at the trial the prosecution claimed fraudulently that the Mexican government had deported Sobell, thus giving the court the impression that Sobell was a fugitive. The new evidence showed that the Mexican government not only did not deport Sobell, but took action to see that its laws were not violated by an international kidnapping.
- Proof that Sobell and his family went to Mexico in a normal manner with proper tourist cards and air tickets, and in their own name. Sobell, as a scientist and teacher with left-wing views, had admitted that hysteria in the United States frightened him, and while in Mexico on vacation he thought of living abroad. He made inquiries under other names for passage to France and Israel. But he lived openly in Mexico City under his own name where he could be reached readily, and not as a fugitive.

NONE OF THIS EVIDENCE HAS EVER BEEN GIVEN A HEARING IN COURT. Each time, the prosecution has managed to avoid a hearing on the merits.

SUPREME COURT NEVER REVEALED CASE

Defenders of the Rosenberg-Sobell verdict often claim that the Supreme Court has reviewed the case many times and found nothing wrong. The fact is, as Justice Black has stated, "This Court has never reviewed this record and has never affirmed the fairness of the trial below." The Supreme Court has emphasized that refusal to review a case in no way judges its merits. Further, appeals are limited to legal points, not the question of innocence or guilt or which witness was telling the truth.

One judge of the U.S. Court of Appeals, the late Jerome Frank,

voted for a new Sobell trial in a dissenting opinion holding that Sobell's case should have been considered separately from that of the Rosenbergs.

PROSECUTION TACTICS

"Wholly reprehensible" was the expression the U.S. Court of Appeals used in one decision describing prosecution tactics in getting publicity prejudicial to the defense during the trial. The court said that if the defense had raised the question sooner, a mistrial should have been declared.

Recent court decisions have emphasized other prosecution unfairness. The prosecution repeatedly implied to the jury that Ethel Rosenberg's answers at the trial could not be believed because she had pleaded the 5th Amendment to the same questions previously before a Grand Jury. Supreme Court rulings in other cases since the execution have branded such tactics as unfair and illegal.

On Feb. 6, 1963, the U.S. Court of Appeals acknowledged that under today's interpretation of the law the trial of Ethel and Julius Rosenberg and Morton Sobell would have been considered unfair. But the court said it is too late for Sobell to raise the point. Legally speaking, the Appeals Court said, it would not be too late for Ethel Rosenberg, if she were alive, to raise the point.

APPEALS FOR CLEMENCY

The furor that the Rosenberg-Sobell trial unleashed has been paralleled only by such cases as the Mooney-Billings and Sacco-Vanzetti cases in the United States and the Dreyfus case abroad. There were public meetings and demonstrations, debates in the press, thousands marching before the White House, and pleas pouring in from throughout the world. Pope Pius XII, the President of France, and Albert Einstein were among those who intervened for clemency.

A legal battle raged until the last moment. Justice Douglas granted a stay of execution, braving later moves for his impeachment. The Supreme Court had adjourned for the summer, but it was called back into unprecedented session to overrule Justice Douglas 6-3 while the executioner stood by in Sing Sing prison. A few hours later, on June 19, 1953, with the execution moved ahead until just before sundown to avoid having it occur on the Jewish Sabbath, Julius and Ethel Rosenberg were electrocuted. They swore their innocence in final statements. A telephone was kept open to the death chamber with the offer to spare them if they would admit guilt.

Morton Sobell received the news in Alcatraz, a prison supposedly for hardened criminals. He had been sent there on Thanksgiving Day, 1952, after he refused to admit guilt and accuse the Rosenbergs. After the death of the Rosenbergs he was approached again to change his testimony. Sobell spent five and a half years in Alcatraz.

where his wife could only see him through a pane of glass and talk through a telephone when she visited him. Widespread public protests against this treatment as being vindictive resulted in his transfer to Atlanta Federal Penitentiary, where he is now held.

30-YEAR LEAD SUPPORTS PUBLIC CONCERN

APPEALS FOR SOBELL

The list of those urging Sobell's release has grown each year. It includes eminent persons of many viewpoints the world over (see partial listing on page 10.) There are appeals by those who question the fairness of the trial, by those who believe the Rosenbergs and Sobell innocent, by those who say the Rosenbergs were guilty but Sobell is innocent, and even by those who accept Sobell's guilt but regard the 30-year sentence as excessive and believe he should now be released.

A special independent study was made by a noted group including Edmond Cahn, professor of law at New York University, and Reinhold Niebuhr of the Union Theological Seminary. The panel of inquiry called the case against Sobell "vague in content and slender in proof" and recommended a commutation of sentence.

HOPE IN WASHINGTON DASH

Before his election as President, then Senator John F. Kennedy had his aides meet with persons appealing for Sobell and gave every impression of planning action in his behalf. After the election, Presidential spokesmen in the White House were still optimistic about favorable action. A "new" study was said to be underway in the Justice Department. But it turned out that those assigned to the study were the same holdovers in the department who previously had the responsibility of defending the verdict and the execution of the Rosenbergs.

Presidential clemency was denied. The official position was that it would be up to the parole board.

PAROLE OFFER

Morton Sobell is officially eligible for parole. He has a job waiting for him, Rabbi Balfour Brickner, director of the Joint Commission on Interfaith Activities of the Union of American Hebrew Congre-

gations and the Central Conference of American Rabbis, has agreed to serve as his parole advisor. Sobell's wife, his mother, and his children have stood by him, working for his freedom, and the family has maintained as close a relation as possible through prison visits and correspondence.

Donal E. J. MacNamara, Dean of the New York Institute of Criminology, describes Sobell as the ideal candidate for parole under every accepted criterion. Notables from throughout the country testified in Washington in behalf of Sobell at a parole hearing and recommended that he be allowed to return to society and make his contributions as a scientist.

Parole has been denied. No reasons have been cited.

WUENY

The Rosenberg-Sobell case runs through the fabric of the last decade. There have been countless statements by authorities that Russian scientific capacities were woefully underestimated and Soviet development did not come from espionage. Yet two persons are buried in a grave on Long Island on the accusation that they gave Russia the atomic bomb.

Newspaper columnist Jack Scott has commented in the Vancouver Sun: "Sobell, himself, has continued to protest his innocence, although a confession, whether true or false, would lighten his staggering sentence . . . I happened to be reading a booklet on the witchcraft trials in Salem, Mass., when I came across the Sobell file. One paragraph tells of 13 women and six men hanged as witches and concludes, 'Fifty persons confessed and were freed.' The comparison with the Rosenberg-Sobell case is unavoidable."

FOUR REVIEW BURIED

Professor Francis D. Wormuth of the University of Utah, authority on Constitutional law, calls Sobell "the man in the iron mask of American jurisprudence" because of fear in Washington of opening the Pandora's box of the Rosenberg-Sobell case.

A committee of eminent Americans is seeking to form an independent Commission of Inquiry that would investigate the entire case from top to bottom and render a verdict in the light of present perspective.

Meanwhile, there is a continuing urgent effort to free Morton Sobell through renewed appeals in the courts, to the parole board, to President Kennedy for executive action, and to the public conscience.

HELPING SOBELLS

1. Write to President Kennedy urging that he free Sobell and name an independent inquiry commission into the Rosenberg-Sobell case.
2. Show to your organization or home gathering the new 16mm sound film "Morton Sobell—A Plea for Justice" (30 minutes).
3. Send a contribution to the Sobell Committee at the address below to help carry on its work.
4. Circulate this booklet and other available material for more intensive study. The full trial record can be bought for \$6 per set of 8 volumes, or it can be borrowed.

SOBELL COMMITTEE

910 Broadway, New York 10, N. Y.

AL-4-9983

Among those who have urged Sobell's release on many grounds are:

Rev. Gross W. Alexander	Rev. Peter McCormack
David Andrews	Sen. Lee Metcalf
Roger Baldwin	Dr. Uri Miller
Rabbi J. S. Bass	Gerhard O. W. Mueller
Carleton Beals	Lewis Mumford
Helen M. Beardsley	Dr. Gardner Murphy
Dr. John C. Bennett	Jerome Nathanson
Leo Berman	Dr. Reinhold Niebuhr
Rabbi Samuel Bernstein	Lord Boyd Orr
Robert Bolt	Prof. Victor Paschkis
Rabbi Balfour Brickner	Dr. Linus Pauling
Dr. Martin Buber	Dr. Dryden Linsley Phelps
Dr. Edmond Cahn	Clarence E. Pickett
Pablo Casals	Prof. Dale Pontius
Lord Chorley	Dr. Luis Sanchez Ponton
Harold A. Craneffeld	Rabbi Emanuel Rackman
Lloyd Donnell	Howard B. Radest
Rabbi Maurice B. Eisendrath	Paul Ramsey
Elizabeth, Queen Mother of Belgium	Prof. Anatol Rapaport
Dr. Thomas I. Emerson	Prof. Oscar K. Rice
Rev. John E. Evans	Prof. Fred Rodell
James T. Farrell	Lord Bertrand Russell
Rabbi Morris Fishman	Jean-Paul Sartre
Rev. Kenneth Ripley Forbes	Prof. Malcolm Sharp
Waldo Frank	Dr. D. R. Sharpe
Rev. G. Shubert Frye	Alan Sillitoe
Rev. Erwin A. Gaede	Sydney Silverman, M.P.
Maxwell Geismar	Harvey Swados
Rabbi Robert E. Goldberg	Norman Thomas
Rabbi Israel Goldstein	Rev. Francis S. Tucker
Prof. Erwin R. Goodenough	Kenneth Tynan
Rev. Donald Harrington	Dr. Harold C. Urey
Dr. A. Eustace Haydon	Mrs. Clara M. Vincent
Nat Hentoff	Rowland Watts
Rev. John Haynes Holmes	Rabbi Jacob J. Weinstein
Rabbi Philip Horowitz	Arnold Wesker
Leo Hurwitz	Dr. Daniel Day Williams
Rev. John Paul Jones	Prof. Francis D. Wormuth
Rev. Joseph P. King	Belgian League for Rights for Man
Rev. Martin Luther King, Jr.	Christian Century
William Kunstler	The Nation Magazine
Morris Laub	The New Republic
Dr. Paul L. Lehmann	The New York Post
Rabbi Arthur J. Lelyveld	The Progressive
Doris Lessing	Social Action Commission of the
Donal E. J. MacNamara	Union of American Hebrew
Daniel G. Marshall	Congregations
Dr. Leo Mayer	Thirty Members of Parliament, Britain
Milton Mayer	Women's International League for
Louis F. McCabe	Peace and Freedom
	1500 American Clergymen

For further information write:
SOBELL COMMITTEE, 940 Broadway, New York 10, N.Y.

MY LOVED ONE

words and music
by Edith Segal

What shines from your cell
To my lonely cell, my loved one?
What shines from your cell
To my lonely cell, my loved one?
Your eyes like bright stars
Shining through prison bars,
Your eyes like bright stars, my loved one.

Oh if I could bring
Oh what would I bring my loved one?
Oh if I could bring
Oh what would I bring my loved one?
I'd bring a red rose
And my heart I'd enclose,
I'd bring a red rose, my loved one.

And if I could speak
Oh what would I say, my loved one?
And if I could speak
Oh what would I say, my loved one?
I'd say "I love you
Our love's old, our love's new,"
I'd say "I love you," my loved one.

And if we could sing
Of what would we sing, my loved one?
And if we could sing
Of what would we sing, my loved one?
We'd sing of the light
That comes out of dark night,
We'd sing of the light, my loved one.

Will our children laugh,
Will we hear them laugh, my loved one?
Will our children laugh,
Will we hear them laugh, my loved one?
We know it will be
For the people and we
Will fight till we're free, my loved one.

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by Edith Segal

Committee to Secure Justice for Merton Sobell
949 Broadway, New York 10, N. Y.



IF WE DIE

by Ethel Rosenberg

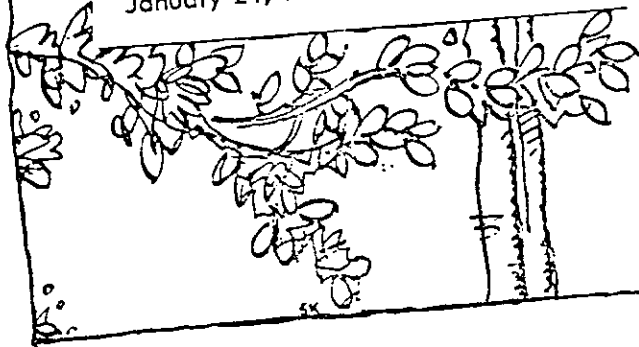
You shall know, my sons, shall know
why we leave the song unsung,
the book unread, the work undone
to rest beneath the sod.

Mourn no more, my sons, no more
why the lies and smears were framed,
the tears we shed, the hurt we bore
to all shall be proclaimed.

Earth shall smile, my sons, shall smile
and green above our resting place,
the killing end, the world rejoice
in brotherhood and peace.

Work and build, my sons, and build
a monument to love and joy,
to human worth, to faith we kept
for you, my sons, for you.

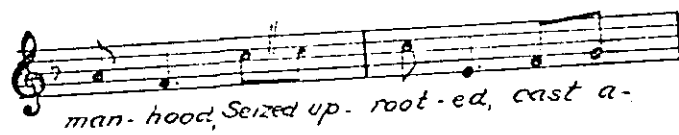
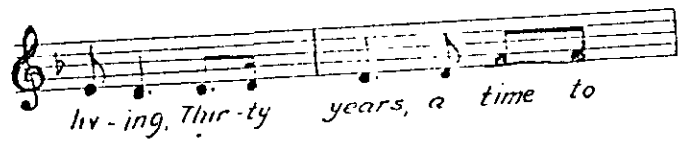
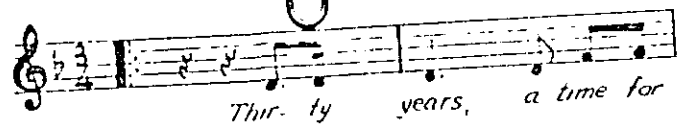
Ossining, N. Y.
January 24, 1953



THIRTY YEARS
A Ballad for Morton Sobell

words and music
by Edith Segal

THIRTY YEARS



copyright 1959
Edith Segal

Thirty years, a time for living,
Thirty years, a time to die,
Thirty years, the judge pronounced it,
Innocent, I swear, am I!

Thirty years, my life, my manhood,
Seized, uprooted, cast away
By the mighty robed in falsehood,
By the bigots of the day.

Listen all who walk in freedom,
Listen all who treasure time,
Listen all who've tasted terror,
What is justice, what is crime?

Shall I languish here forgotten
On the perjured word of one
Or will valiant men and women
Cry for justice to be done?

Ten gone years lie cold and fallow,
Twenty more? It cannot be!
Voices rise and high walls crumble,
Days of home again I see!

I'll return to you dear children,
Brave, sweet mother, sterling wife,
We will welcome Spring together,
We'll retrieve our stolen life.

Oh to walk among the people,
Clasp their hands, their faces see
In the sunlight, working, singing,
Soon, oh soon I must be free!

Oh to walk among the people,
Clasp their hands, their faces see,
Voices rise and high walls crumble,
Days of home again I see,
Soon, oh soon I must be free!

VOICE:

We, the victims of the hysteria of our time, the scapegoats of the prejudice of our day, the martyrs of the miscarriage of justice, speak to you from the grave to reaffirm our innocence. We are innocent. Innocent, innocent, innocent

VOICE:

During a demonstration for an eight hour working day in Haymarket Square, Chicago, on May 4, 1886, a bomb exploded. Eight anarchist leaders were tried, but no evidence was produced that they had made or thrown the bomb. They were, however, convicted of inciting violence. Four were hanged, one committed suicide, and the remaining three, after having served in prison for seven years, were pardoned in 1893 by John P. Altgeld, governor of Illinois, on the ground that the trial had been unjust.

August Spies and Albert R. Parsons, two of the Haymarket martyrs speak to us from the grave.

SPIES: "... Now these are my ideas. They constitute a part of myself. I cannot divest myself of them, nor would I, if I could. And if you think that you can crush out these ideas that are gaining ground more and more every day... if you would once more have people suffer the penalty of death because they have dared to tell the truth — You are doing wrong.

VOICE: ALBERT R. PARSONS—

PARSONS: "The charge is made that we are "foreigners", as though it were a crime to be born in some other country..... My ancestors had a hand in drawing up and maintaining the Declaration of Independence. My great grand-uncle with Washington at Brandywine. Monmouth and Valley Forge. I have been here long enough, I think, to have ~~the~~ rights guaranteed, at least in the Constitution of the country."

SPIES: I say, if death is the penalty for proclaiming the truth, then I will proudly and defiantly pay the costly price: Call your hangman: Truth crucified

— they and others whose number is legion have proceeded on this path. We are ready to follow."

PARSONS

"The sentence will be executed and I will die upon the scaffold an innocent man. Future generations will not judge me and my comrades as murderers." For I am innocent... In the name of the American people I demand my inalienable right to liberty."

"Will I be allowed to speak, O men of America: — Let me speak, Sheriff Matson: — O men of America, let the voice of the people be heard: O..."

VOICE

That last sentence was cut off by the hangman's noose.

ALL Innocent, innocent innocent.

VOICE

On July 22, 1916 during the preparadness Day Parade in San Francisco, a bomb exploded, the work of a provocateur. The government hunted down and arrested four leaders of the labor movement, Thomas Mooney, Mrs. Rena Mooney, Warren Billings and Israel Weinberg, charging them with murder. Billings was sentenced to life imprisonment and Tom Mooney to death. On November 28, 1918, as a result of great meetings and demonstrations and the threat of a general strike, the Governor of California commuted the death sentence to life imprisonment. In January 1939 Governor Olsen of California pardoned Tom Mooney unconditionally.

TOM MOONEY :

I am under sentence of death. Whatever may be the legal equivocation, the crime of which I have actually been convicted is not that of having thrown a bomb into a throng of innocent people, which included my wife's brother-in-law to whom we are both tenderly attached, but that of having striven with what strength I had for the alleviation of the industrial wrongs that labor has suffered and the establishment of the rights which naturally belong

to labor. I do not believe— I cannot believe— that because I have thus adhered to the duty and exercised the simple privilege of a human being, I must meet death on the gallows. But so deeply imbedded in the hearts of the people is the desire of justice that it must inevitably find expression in a court of review. In that faith I am content.

All : Innocent, innocent, innocent.

VOICE :

In the "red" hysteria of 1919-1920, Nicola Sacco and Bartolomeo Vanzetti, together with thousands of foreign-born workers were arrested as "dangerous to the peace and prosperity of the United States." Sacco and Vanzetti were framed and convicted for murder despite discredited evidence and a great public outcry and executed on August 22, 1927.

These are their words from their last letters.

BARBARINO VALLI FILE IN DATE SACCO

BARBARINO : I tell you now that all that I know of your father, he is not a criminal, but one of the bravest men I ever knew.

Remember Dante, each one who will say otherwise of your father and I, is a liar, insulting innocent dead men who have been brave in their life. Remember and know also, Dante, that if your father and I would have been cowards and hypocrites and ringrotors of our faith, we would not have been put to death. They would not even had convicted a lebbrous dog; not even executed a deadly poisoned scorpion on such evidence as that they framed against us. They would have given a new trial to a matricide and abtutal felon on the evidence we presented for a new trial.

Remember, Dante, remember always these things; we are not criminals; they convicted us on a frame-up; they denied us a new trial; and if we will be executed after seven years, four months and seventeen days of unspeakable tortures and wrong, it is for what I have already told you; because we were for the poor and against the exploitation and oppression of the man by the man.

The day will come when you will understand the atrocious cause of the above written words, in all its fullness. Then you will honor us.

Now, Dante, he knows and need always. I embrace you. Bartolo, etc.

VOICE: SACCO TO HIS SON AND COMPANION DANTE. -

SA OGG: Since the day I saw you last I had always the idea to write you this letter, but the length of my hunger strike and the thought I might not be able to explain myself made me put it off all this time. Moreover, I want to get it done in any way before they take us again to the death-house.

..... but don't cry, Dante, because many tears have been wasted, as your mother's have been wasted for seven years, and never did any good. So, Son, instead of crying, be strong, so as to be able to comfort your mother, and when you want to distract your mother from the discouraging soulness, I will tell you what I used to do. To take her for a long walk in the quiet country, gathering wild flowers here and there, resting under the shade of trees, between the harmony of the vivid stream and the gentle tranquility of the mother nature, and I am sure that she will forget it is very much, as you surely would be happy for it. But remember always, Dante, in the play of life, don't you use all for yourself only, but don't yourself just one step, at your side and help the weak ones that cry for help, help the prosecuted and the victim, because they are your better friends; they are the comrades that fight and fall as your father and Bartolo fought and fell yesterday for the conquest of the joy and freedom for all and the poor workers. In this struggle of life, you will find more love and you will be loved.

Yes, Dante, they can crucify our bodies to-day as they are doing, but they cannot destroy our ideas, that will remain for the youth of the future to come.

And; Innocent, Innocent., Innocent.

VOICE: (MERVIN.) During the McCarthy era, time of fear and suspicion, in July 1950, Julius Rosenberg was arrested as an "atom spy" His wife Ethel was arrested a short while later. Again, as in the other frame-ups, through hysteria, perjured testimony and the most reprehensible prosecution tactics, the innocent couple were railroaded to their death. On June 19, 1953, a day of shame for American justice, Ethel and Julius Rosenberg were executed. - - - LISTEN.

-ETHEL.

Do not rest a week, my most precious children. Only this morning it looked like we might be together again after all. Now that this cannot be, I want so much for you to know all that I have come to know. Unfortunately, I may write only a few simple words, the rest, your own lives must teach you, even as mine taught me. At first, of course, you will grieve bitterly for us, but you will not grieve alone. Be comforted, that even now, with the end of our lives slowly approaching, that we know this with a conviction that defeats the executioner.....Your lives must teach you too, that good things can not really flourish in the midst of evil; that freedom and all the things that go to make up a truly satisfying life and worthwhile life, must sometimes be purchased very dearly. Be comforted then, that we were serene and understanding, that civilization has not as yet progressed to the point where life did not have to be lost for the sake of life, and that we were comforted in the sure knowledge that others would carry on after us. We wish that we might have had the tremendous joy and gratification of living out our lives with you. Your Daddy, who is with me in the last momentous hours, sends his heart and all his love the love that is in it for his dearest boys. Always remember that we were innocent and could not wrong our conscience.....We press you close and kiss you with all our strength. Lovingly Daddy and Mommy.

JULIUS .

Yesterday we were offered a deal by the Attorney General of the United States. We were told that if we cooperated with the government, our lives would be spared....By asking us to repudiate the truth of our innocence the Government admits its own doubts concerning our guilt. We will not be to purify the foul record of a fraudulent conviction and a barbaric sentence. We solemnly declare, now and forever more, that we will not be coerced even under pain of death, to bear false witness and to yield up to tyranny our rights as free Americans...Our respect for truth, conscience and human dignity is not for sale. Justice is not some bauble to be sold to the highest bidder. If we are executed, it will be murder of innocent people and the shame will be upon the Government of the United States. History will record, whether we live or not, that we were victims of the most monstrous frame up in the history of our country.

ETHEL

YOU shall know, my sons,
Shall know why we leave the song unsung,
The book unread, the work undone
to rest beneath the sod,
More, know more, my sons,
Know more why the lies and smears were framed,
The tears we shed, the hurt we bore
To all shall be proclaimed.

FINAL

You shall know, my sons,
Shall know why we leave the song unsung,
The book unread, the work undone
To rest beneath the sod.

Here, know more, my sons,
Know more why the lies and smears were framed,
The tears we shed, the hurt we bore
To all shall be proclaimed.

Earth shall smile, my sons,
Shall smile, and green above our resting place,
The killing ends, the world rejoice
In brotherhood and peace.

Work and Oath, my sons,
And build a monument to love and joy,
To human worth, to faith we kept for you,
My sons, for you.

ALL:

INNOCENT

INNOCENT

INNOCENT

The VICTIMS and there were no others, were different
The PROSECUTOR said - a warped and twisted travesty of justice
Morton Sobell, a scientist, in his 13th year of imprisonment, still
fighting to prove his innocence, writes from his prison cell.

MORTON I think of my children constantly. What did I want for
the children? Nothing different from what most parents want. That
they should grow up in a world at peace, in a land without fear, hys-
teria or discrimination. I always hoped that they would grow up
unafraid to give voice to their ideas, even if they should be
unpopular ones. I am not brave or heroic, but with every barb
they aim at me I can feel my inner strength grow. I am innocent.
I must walk free. And with your devotion, and spirit, my love,
I must not fail, and with so many people working for my vindication
I will not. Even with my limited means of information I feel
through your letters the sea of human energy which swells around us
which holds us up and does not let us fall to destruction...

There are worse things than facing death when you are in-
nocent and when your cause is just. It is far worse to face the
death of your beloved, your children orphaned. Not one bit of this
was spared Ethel and Julius Rosenberg. That they did not break
under this heavy load gives a new meaning to human dignity. They
held their innocence tenderly knowing its worth for themselves,
their children, and their children must live with his name, and what
it means, after his time. And it is so simple. There is no slightly
soiled dirt. All dirt is dirty. There is no more beyond this.

"I AM INNOCENT" "I charge I have been unjustly ac-
cus ed, unjustly tried, unjustly sentenced and unjustly imprisoned
these many long years.

ALL INNOCENT, INNOCENT INNOCENT.

VOICE

We who are the victims of our time in each generation, the scapegoats of the prejudice of our day, the martyrs of the miscarriage of justice, speak to you from the grave to reaffirm our innocence. We are innocent, innocent, innocent, innocent.....

During a demonstration for an eight hour working day in Haymarket Square, Chicago, on May 4, 1886, a bomb exploded.

Eight anarchist leaders were tried, but no evidence was produced that they had made or thrown the bomb. They were, however, convicted of inciting violence. Four were hanged, one committed suicide, and the remaining three, after having served in prison for seven years, were pardoned in 1893 by John P. Altgeld, governor of Illinois, on the ground that the trial had been unjust.

AUGUST SPIES (Spies)

"...."Now these are my ideas. They constitute a part of myself. I cannot divest myself of them, nor would I, if I could. And if you think that you can crush out these ideas that are gaining ground more and more every day...if you would once more have people suffer the penalty of death because they have dared to tell the truth.

ALBERT R. PARSON

"The charge is made that we are 'foreigners', as though it were a crime to be born in some other country....My ancestors had a hand in drawing up and maintaining the Declaration of Independence. My great great grand-uncle lost a hand at the Battle of Bunker Hill, I had a great great grand-uncle with Washington at Brandywine, Monmouth and Valley Forge. I have been here long enough, I think, to have rights guaranteed, at least in the Constitution of the country."

SPIES

I say, if death is the penalty for proclaiming the truth, then I will proudly and defiantly pay the costly price! Call your hangman! Truth crucified in Socrates, in Christ, in Giordano Bruno, in Huss, in Galileo, still lives, --they and others whose number is legion have preceded us on this path. We are ready to follow!"

In the "Red" hysteria of 1919-1920, Nicola Sacco and Bartolomeo Vanzetti, together with thousands of foreign-born workers were arrested as "dangerous to the peace and prosperity of the United States". Sacco and Vanzetti were framed and convicted for murder despite discredited evidence and a great public outcry and executed on August 22, 1927.

These are their words from their last letters.

SACCO TO HIS "SON AND COMPANION", DANTE -

Since the day I saw you last I had always the idea to write you this letter, but the length of my hunger strike and the thought I might not be able to explain myself made me put it off all this time. However, I want to get it down in any way before they take us again to the death-house.

.....but don't cry, Dante, because many tears have been wasted, as your mother's have been wasted for seven years, and never did any good. So, Son, instead of crying, be strong, so as to be able to comfort your mother, and when you want to distract your mother from the discouraging soulness, I will tell you what I used to do. To take her for a long walk in the quiet country, gathering wild flowers here and there, resting under the shade of trees, between the harmony of the vivid stream and the gentle tranquility of the mother nature, and I am sure that she will enjoy this very much, as you surely would be happy for it. But remember always, Dante, in the play of happiness, don't you use all for yourself only, but down yourself just one step, at your side and help the weak ones that cry for help, help the prosecuted and the victim, because they are your better friends; they are the comrades that fight and fall as your father and Bartelo fought and fell yesterday for the conquest of the joy of freedom for all and the poor workers. In this struggle of life you will find more love and you will be loved.

.....Yes, Dante, they can crucify our bodies today as they are doing, but they cannot destroy our ideas, that will remain for the youth of the future to come.

But, if you do well, you will grow and understand your father's and my principles, for which we will soon be put to death.

I tell you now that all that I know of your father, he is not a criminal, but one of the bravest men I ever knew.

Remember Dante, each one who will say otherwise of your father and I, is a liar, insulting innocent dead men who have been brave in their life. Remember and know also, Dante, that if your father and I would have been cowards and hypocrits and rinnegators of our faith, we would not have been put to death. They would not even had convicted a lebbrous dog; not even executed a deadly poisoned scorpion on such evidence as that they framed against us. They would have given a new trial to a matricide and abitual felon on the evidence we presented for a new trial.

Remember, Dante, remember always these things; we are not criminals; they convicted us on a frame-up; they denied us a new trial; and if we will be executed after seven years, four months and seventeen days of unspeakable tortures and wrong, it is for what I have already told you; because we were for the poor and against the exploitation and oppression of the man by the man.

The day will come when you will understand the atrocious cause of the above written words, in all its fullness. Then you will honor us.

Now, Dante, be brave and good always, I embrace you. *Barthe*

1950, Julius Rosenberg was arrested as an "atom spy" and his wife, Ethel, a short while later. Again, as in the other frame-ups, through hysteria, perjured testimony and the most reprehensible prosecution tactics, the innocent couple were railroaded to their death. On June 19, 1953, a day of shame for American justice, Ethel and Julius Rosenberg were executed.

Listen!

JULIUS: "They are trying to make haste in putting us to death before the court of public opinion gives its answer, protesting this political frame-up"

"Before God and man I must blazon forth these truths:
1. We are completely innocent. Nothing can change this. 2. A monstrous frame-up for political purposes has taken place in the Rosenberg case.

The judge and the district attorney from the very beginning injected the false issue of communism and political beliefs to obscure the issue and inflame the passions of the jury against us.

The judge strained every effort to bend the jury to a verdict of guilty with his constant interjections against our interest at every stage that was to our advantage. He allowed our rights to be violated and prevented our lawyer from adequately defending us and did not allow the jury to judge the crime, as charged in the indictment, fair and impartial basis.

As for us, we are confident of the righteousness of our case and we will not allow ourselves to be used as tools against the fight for peace, freedom and decency.

....There are but ten more days to live.

Dearest Sweet hearts, my most precious children. On
morning it looked like we might be together again after all.
That this cannot be, I want so much for you to know all that
I come to know. Unfortunately, I may write only a few simple
the rest your own lives must teach you, even as mine taught me.

At first, of course, you will grieve bitterly for us.
You will not grieve alone. Be comforted that even now, with
end of ours slowly approaching, that we know this with a confidence
that defeats the executioner!

Your lives must teach you, too, that good cannot be
sustained in the midst of evil; that freedom and all the things
that make up a truly satisfying and worthwhile life, must be
carried on very dearly. Be comforted, then, that we were
carry on after us. Our cause had not as yet progressed

We wish we might have had the tremendous joy and gratification
of living our lives out with you. Your Daddy who is with
me in the last momentous hours, sends his heart and all the love
that is in it for his dearest boys. Always remember that we were
innocent and could not wrong our conscience.

We press you close and kiss you with all our strength.
Lovingly, *Daddy and Mommy*

WJMS

"Yesterday, we were offered a deal by the Attorney General
of the United States. We were told that if we cooperated with the
Government, our lives would be spared.

By asking us to repudiate the truth of our innocence, the
Government admits its own doubts concerning our guilt. We will not
help to purify the foul record of a fraudulent conviction and a barbaric
sentence.

We solemnly declare, now and forever more, that we will
not be coerced, even under pain of death, to bear false witness and
to yield up to tyranny our rights as free Americans.

Our respect for truth, conscience and human dignity is not
for sale. Justice is not some bauble to be sold to the highest
bidder.

If we are executed, it will be murder of innocent people
and the shame will be upon the Government of the United States.

History will record, whether we live or not, that we were
victims of the most monstrous frame-up in the history of our country".

ETHEL

You shall know, my sons,
shall know why we leave the song unsung,
The book unread, the work undone
To rest beneath the sod,

More, know more, my sons,
Know more why the lies and smears were framed,
The tears we shed, the hurt we bore
To all shall be proclaimed.

Earth shall smile, my sons,
Shall smile, and green above our resting place,
The killing ends, the world rejoice
In brotherhood and peace.

Work and build, my sons,
and build a monument to love and joy,
To human worth, to faith we kept for you,
My sons, for you.

1/11/50
Morton Sobell, a scientist in his 13th year of imprisonment, still fighting to prove his innocence, writes from his prison cell.

MORTON I think of my children constantly. What did I want for the children? Nothing different from what most parents want. That they should grow up in a world at peace, in a land without fear, hysteria or discrimination. I always hoped that they would grow up unafraid to give voice to their ideas, even if they should be unpopular ones. I am not brave or heroic, but with every barb they aim at me I can feel my inner strength grow. I am innocent. I must walk free. And with your devotion, and spirit, my love, I must not fail, and with so many people working for my vindication I will not. Even with my limited means of information I feel through your letters the sea of human energy which swells around us which holds us up and does not let us fall to destruction...

There are worse things than facing death when you are innocent and when your cause is just. It is far worse to face the death of your beloved, your children orphaned. Not one bit of this was spared Ethel and Julius Rosenberg. That they did not break under this heavy load gives a new meaning to human dignity. They held their innocence tenderly knowing its worth for themselves, their children, and their children must live with his name, and what it means, after his time. And it is so simple. There is no slightly soiled dirt. All dirt is dirty. There is no more beyond this.

"I AM INNOCENT" "I charge I have been unjustly accused, unjustly tried, unjustly sentenced and unjustly imprisoned these many long years.

ALL INNOCENT, INNOCENT INNOCENT.

PLEASE DO NOT REMOVE
THIS SLIP FROM EXHIBIT
NY 100-10711-1

SCHOOL IS A SUMMER FESTIVAL

... USE THE SUMMER FOR STUDY AT THE NEW YORK SCHOOL FOR MARXIST STUDIES.

TWO SUMMER TERMS: July 8 to 18
August 5 to 15

JULY TERM:

Dr. Herbert Aptheker on THE NEGRO LIBERATION MOVEMENT TODAY, July 9, 11, 16, 18.

Betty Gannett on THE U.S.: STATE MONOPOLY CAPITALISM OR "PEOPLE'S CAPITALISM"?
— July 8, 10, 15, 17.

Sidney Finkelstein on THE EXISTENTIALIST INFLUENCE ON LITERATURE—A MARXIST VIEW
— July 9, 11, 16, 18.

Dr. Hyman Lumer on AUTOMATION: ITS ECONOMIC AND SOCIAL CONSEQUENCES
— July 8, 10, 15, 17

John Edwards teaching INTRODUCTION TO MARXISM—LENINISM, July 8, 10, 15, 17.

and ... ANNOUNCING A NEW WRITERS' WORKSHOP to be conducted by Robert Forrey
on Monday nights beginning July 8.

All classes run from 7 p.m. to 10 p.m.

REGISTRATION: July 1, 2, 8, 9 from 6 to 3 p.m., Room 1922, 853 Broadway (at 14 St)
For further information on the above and for a list of August courses
write for Catalog L.

THE NEW YORK SCHOOL FOR MARXIST STUDIES
853 Broadway, Room 1922
New York 3, N.Y., GR. 3 - 1560

LABOR DONATED

PLEASE DO NOT REMOVE THIS SLIP FROM EXHIBIT NY 100-147-1000

WE ARE INNOCENT! MORNING to state to the world in this year of imprisonment - 13 years - been unjustly accused, unjustly tried, and unjustly sentenced and unjustly imprisoned for many long years.

WE ARE INNOCENT! Peter and Julius Rosenberg voted to the end before their execution last year.

JUNE 19, 1953

The Moment That Shook The World

DID THE ELECTRIC CHAIR KILL THE DOUBTS?
HAVE 13 YEARS OF LIVING DEATH FOR MORTON SOBELL ANSWERED THE QUESTIONS?
CAN WE FORGET?

JUNE 19, 1963

CARNEGIE HALL MEETING

8 p. m.

Hear DR. HAROLD C. UREY, Nobel Prize atomic scientist

See Film "MORTON SOBELL - A PLEA FOR JUSTICE":
and Special Filmed Interview with Bertrand Russell

Honored Guests include: Prof. Erwin Goodenough; Rabbi Balfour Brickner; Rev. G. Shubert Frye; Rev. John E. Evans; Prof. Dale Pontius; Mrs. Eleanor Jackson Piel; Dean Donal E. J. MacNamara

JUNE 15
2 p. m.

YOUTH APPEAL

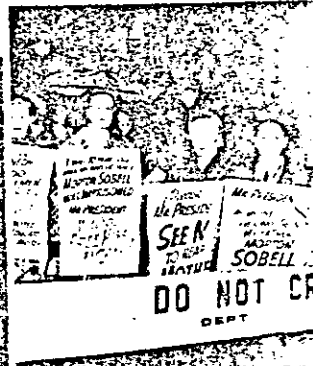
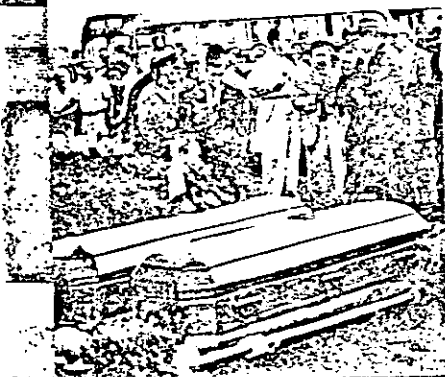
Another Generation Acts!
Join the Washington Demonstration
at the White House

JUNE 16
1 p. m.

MEMORIAL TRIBUTE

Wellwood Cemetery, Pinelawn, L. I.
on the Tenth Anniversary
of the Rosenberg Execution

Tickets for CARNEGIE HALL at \$1 each, and information
on gatherings at Cemetery and in Washington, from the
SOBELL COMMITTEE, 940 Broadway, New York 10, N. Y., AL 4-9983



67d

This Court (the U.S. Supreme Court) has never reviewed the record and has never affirmed the fairness of the trial. Without an affirmation of the fairness of the trial, the integrity of the law and there may always be questions as to whether these executions were legal and rightly carried out.

—USC 1100B1616

The 1952 notice was couched in a way that it implied that the government had done its duty and that the cry for justice for Morton Sobell is not a cry for justice for Morton Sobell, it is a cry for justice for all victims of political and racial prejudice.

—REV. PETER MCCORMACK, President, National Council for American-Soviet Friendship, Washington, D.C.

Among those who have urged Sobell's release on many grounds are:

- | | |
|------------------------------------|---------------------------------------|
| Rev. Gross W. Alexander | Rev. Peter McCormack |
| David Andrews | Sen. Lee Metcalf |
| Roger Baldwin | Dr. Uri Miller |
| Rabbi J. S. Bass | Gerhard O. W. Mueller |
| Carleton Beals | Lewis Mumford |
| Helen M. Beardsley | Dr. Gardner Murphy |
| Dr. John C. Bennett | Jerome Nathanson |
| Leo Berman | Dr. Reinhold Niebuhr |
| Rabbi Samuel Bernstein | Lord Boyd Orr |
| Robert Bolt | Prof. Victor Paschkis |
| Rabbi Balfour Brickner | Dr. Linus Pauling |
| Dr. Martin Buber | Dr. Dryden Linsley Phelps |
| Dr. Edmond Cahn | Clarence E. Pickett |
| Pablo Casals | Prof. Dale Pontius |
| Lord Chorley | Dr. Luis Sanchez Ponton |
| Harold A. Cranefield | Rabbi Emanuel Rackman |
| Lloyd Donnell | Howard B. Radest |
| Rabbi Maurice B. Eisendrath | Paul Ramsey |
| Elizabeth, Queen Mother of Belgium | Prof. Anatol Rapaport |
| Dr. Thomas I. Emerson | Prof. Oscar K. Rice |
| Rev. John E. Evans | Prof. Fred Rodell |
| James T. Farrell | Lord Bertrand Russell |
| Rabbi Morris Fishman | Jean-Paul Sartre |
| Rev. Kenneth Ripley Forbes | Prof. Malcolm Sharp |
| Waldo Frank | Dr. D. R. Sharpe |
| Rev. G. Shubert Frye | Alan Sillitoe |
| Rev. Erwin A. Gaede | Sydney Silverman, M.P. |
| Maxwell Geismar | Harvey Swades |
| Rabbi Robert E. Goldburg | Norman Thomas |
| Rabbi Israel Goldstein | Rev. Francis S. Tucker |
| Prof. Erwin R. Goodenough | Kenneth Tynan |
| Rev. Donald Harrington | Dr. Harold C. Urey |
| Dr. A. Eustace Haydon | Mrs. Clara M. Vincent |
| Nat Hentoff | Rowland Watts |
| Rev. John Haynes Holmes | Rabbi Jacob J. Weinstein |
| Rabbi Philip Horowitz | Arnold Wesker |
| Leo Hurwitz | Dr. Daniel Day Williams |
| Rev. John Paul Jones | Prof. Francis D. Wormuth |
| Rev. Joseph P. King | Belgian League for Rights for Man |
| Rev. Martin Luther King, Jr., | Christian Century |
| William Kunstler | The Nation Magazine |
| Morris Laub | The New Republic |
| Dr. Paul L. Lehmann | The New York Post |
| Rabbi Arthur J. Lelyveld | The Progressive |
| Doris Lessing | Social Action Commission of the |
| Donal E. J. MacNamara | Union of American Hebrew |
| Daniel G. Marshall | Congregations |
| Dr. Leo Mayer | Thirty Members of Parliament, Britain |
| Milton Mayer | Women's International League for |
| Louis F. McCabe | Peace and Freedom |
| | 1500 American Clergymen |

EXHIBIT
-1B
REVEREND PETER MCCORMACK
SAN FRANCISCO, CALIFORNIA
Former Protestant Chaplain of Alcatraz

Dear Friend:

During my period of service at Alcatraz, I came into close contact with all of the prisoners. I feel satisfied that I can evaluate human character quite accurately.

Through the years of my association at Alcatraz with Morton Sobell, I became more and more impressed with his innocence. This led me to make a studied investigation of his record at the prison as well as the trial record of the Rosenberg-Sobell case. The more I studied, the more convinced I became of the man's innocence. I feel so keenly about this case, and to state it frankly, somewhat ashamed that the courts of our land could be so influenced by public opinion fed by the hysteria of the McCarthy era, that I have set out in an address under the title "ALCATRAZ WAS MY PARISH" my evaluation of the man and the injustice perpetrated upon him by detaining him still in Atlanta penitentiary.

He is a man of fine intellect, of noble character, healthy-minded, a loyal American, a devoted husband and father, a noble son of humble but noble family. Yet the record still shows that here is a man, falsely accused, cruelly treated, sentenced on the flimsy testimony of a self-confessed perjurer and still suffering within prison walls.

The cry for justice has sounded many times through the centuries from the time of Amos the Prophet down to the present. To me no cry has had such merit to it as the cry for justice for Morton Sobell. I am satisfied if the Clergy of this land, whose mission it is to "seek justice and judgment," would acquaint themselves with this case, the relentless pressure of that segment of public opinion would compel our courts to re-open the case, freeing it from perjury, politics and prejudice, and in the light of honor and truth restore Morton Sobell to his rightful place as an American citizen, a man vindicated by the weight of public opinion and the justice and honor that we are entitled to expect to emanate from the courts of our land.

Sincerely yours,

Rev. Peter McCormack

Rev. Peter McCormack

Please read this testimony to Morton Sobell from his chaplain at Alcatraz. We must match his courage with our courage until justice is granted. Will you join with the hundreds of clergymen from various parts of the country who have signed the enclosed appeal?

Thomas Kilgore, Jr.
Rev. Thomas Kilgore, Jr.
Friendship Baptist Church
New York, New York

Jacob J. Weinstein
Rabbi KAM Temple
Rabbi Jacob J. Weinstein
930 East 50th Street
Chicago, Illinois

Paul Lehmann
Dr. Paul Lehmann
Harvard Divinity School
Cambridge, Massachusetts

Roland H. Bainton
Professor Roland H. Bainton
Yale Divinity School
New Haven, Connecticut

For further information:
Committee to Secure Justice
for MORTON SOBELL
940 BROADWAY
NEW YORK 10, N.Y.
AL 4-9983

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This Court (the U.S. Supreme Court) has never reviewed the records and has never affirmed the fairness of the trial before. Without an affirmation of the fairness of the trial by the highest court in the land there may always be questions as to whether these executions were legal and rightfully carried out.
— JUSTICE HUGO BLACK

WALTER WINSTON ROSENBERG continues to state to the world in his thirteen years of imprisonment: "I have been unjustly accused, unjustly tried, unjustly sentenced, and unjustly imprisoned these many long years."

WALTER WINSTON ROSENBERG and Ethel Rosenberg have vowed to live and die before their execution ten years ago.

The Facts in the Rosenberg-Sobell Case 1950-1963



Morton Sobell

TIME OF TENSION

Historians now call it the era of McCarthyism. It was a time of fear and suspicion.

Our nation had been assured the atomic bomb would remain an American monopoly for years to come. When Russia unexpectedly exploded a bomb in 1949, "they stole it from us" was the panicky national response and a search for spies was on.

But Time Magazine commented on Jan. 2, 1950:

"For the last decade, there has been no 'atom-bomb secret' which Russian spies needed to steal. This fact has been asserted again and again by the Atomic Energy Commission . . . Last week the A.E.C.'s files yielded documentary proof: Russian scientific papers on the project, published in 1940, before the U.S. started its atom bomb project . . . The basic secrets were already in their files. Until this week the Russian papers have been known to few. If the facts they contain had been properly publicized, a lot of spy chasing and pointless orating might have been avoided."

THE HEADLINE

Suddenly the cause of Russia's A-bomb was said to be discovered by those still insisting it was espionage. Headlines in July, 1950, blamed the arrest of Julius Rosenberg as the "atom spy" who was responsible for Russia having the bomb. His wife was arrested a short while later. In August, Morton Sobell was added as another "atom spy" even though the trial judge was later to say that Sobell was not connected with the atomic project. The Rosenbergs and Sobell swore their innocence. Sobell was pressured to become an accusing witness while the question of a trial for him was delayed. It was only when he still insisted on his innocence that his name was listed as a defendant. The only "overt acts" charged were five conversations which he allegedly had with Julius Rosenberg. These conversations were not to be mentioned at the trial. In the headlines the accused were guilty even before the trial, which took place during the time of the Korean fighting, in a New York courtroom.

The Rosenbergs, Sobell and his wife, Ethel, son of the late Justice Louis Brandeis, and daughter of the late Justice Charles Evans Hughes, were the first to be charged with espionage. They were charged with passing on to the Soviet Union the secrets of the atomic bomb. Both Julius and Ethel were sentenced to 30 years in prison. Julius was later pardoned and released in 1958. Ethel was released in 1961. Morton Sobell was sentenced to 30 years in prison. He was later pardoned and released in 1968. Julius and Ethel were the first to be charged with espionage. They were charged with passing on to the Soviet Union the secrets of the atomic bomb. Both Julius and Ethel were sentenced to 30 years in prison. Julius was later pardoned and released in 1958. Ethel was released in 1961. Morton Sobell was sentenced to 30 years in prison. He was later pardoned and released in 1968.

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THE DEFENDANTS

The Rosenbergs were a New York-born couple. Julius Rosenberg had been an engineer and at the time of his arrest had his own machine shop. The couple had two sons.

Morton Sobell,* who grew up in the Bronx, was a radar specialist and an evening instructor at Brooklyn Polytechnical Institute. He was employed at the Reeves Instrument Company at the time of his arrest. He and his wife, Helen, have a son, Mark, now 14, and by Mrs. Sobell's previous marriage, a daughter, Sydney.

Morton Sobell and Julius Rosenberg had known each other at the City College of New York.

THE PROSECUTORS

A key prosecutor, along with Irving Saypol and Myles Lane, was Roy Cohn, later to become Senator McCarthy's chief assistant. Cohn was discredited in the Army-McCarthy hearings in 1954 when it was proven that he doctored a photograph presented in evidence.

NO ESPIONAGE CHARGE

The gap between the headlines and the facts was wide. Neither the Rosenbergs nor Sobell were charged with espionage or treason. The charge was "conspiracy to commit" espionage. The difference: under the loose conspiracy charge, no proof of any actual acts of espionage is needed. The conspiracy charge is traditionally resorted to when proof of actual acts is lacking.

NO DOCUMENTARY EVIDENCE

In opposition to the defendants' plea of innocence, no documentary evidence was presented in the trial. The case rested on the testimony of government witnesses who stood to gain personally by their accusations. The trial was colored by prosecution claims, also without documentation, that the defendants were members of the Communist Party.

The chief witness against the Rosenbergs was David Greenglass, brother of Ethel Rosenberg, Greenglass, a mechanic at Los Alamos, did not claim to have stolen any documents or photographed any papers. He told a tale of having eavesdropped on scientists and from

*Morton Sobell is not related to the brothers, Dr. Robert Soblen and Jack Sobel, who were in the public eye in an entirely different case.

their conversation drawing diagrams giving atomic secrets. On one examination he admitted having failed his science courses at Brooklyn Polytech. Dr. Harold C. Urey, Nobel prize atomic scientist who studied the record subsequently and found "patently perjured" prosecution testimony, asserted: "Though the information supposed to have been transmitted could have been important, a man of Greenglass's capacity is wholly incapable of transmitting the physics, chemistry and mathematics of the atomic bomb to anyone." Greenglass was sentenced to 15 years imprisonment but is now free after having been released at the end of 1960.

Of Greenglass's testimony, the U. S. Court of Appeals said: "Doubtless, if that testimony were disregarded, the conviction could not stand."

CASE AGAINST SOBELL

Only one witness, Max Elitcher, accused Sobell of any involvement. Elitcher, admitting previous perjury, testified that he was "scarred to death." The judge told the jury: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

Elitcher did not claim Sobell ever passed or received any secret material. He told the jury that Sobell, although he supposedly thought the FBI was following him, took a 35mm film can (contents never specified) to Julius Rosenberg. Elitcher did not claim he saw Sobell give anything to Rosenberg. Elitcher has never been prosecuted for his confessed perjury, but has been helped to find employment, as a reward for his testimony.

Sobell's lawyers advised him that the case was so flimsy his most effective defense would be to rest on his plea of innocence, without even taking the witness stand. Sobell, wanting to take the stand, reluctantly bowed to their legal opinion.

OTHER PROSECUTION WITNESSES

Harry Gold never claimed to have known the Rosenbergs and Sobell. But Gold, already under a 30 years sentence, described himself as the man to whom Greenglass gave the atomic data he said he obtained by eavesdropping on scientists. In a later trial, a man whom Gold accused went free after the court heard Gold's admission of having lived such a life of lies "it is a wonder that steam didn't come out of my ears." Gold is still in prison.

Elizabeth Bentley, who had become a frequent witness at the trials and Congressional hearings of the day, didn't claim to know the Rosenbergs or Sobell but added color with testimony on espionage methods. She was subsequently discredited in other proceedings. For example, she once accused a man of having supplied the Russians with advance information about Deolittle's raid on Tokyo which

was cleaned while the accused was in the Air Corps. But it was proven that the man wasn't in the Air Corps until months after the raid. Former U.S. Congressman Byron Scott of California charged before a Congressional committee that 37 discrepancies had been found in Elizabeth Bentley's testimony in that case.



Ethel Rosenberg



Julius Rosenberg

UNPRECEDENTED SENTENCE

The verdict was "guilty." Dr. Harold C. Urey has said:

"This jury was hearing this trial in the midst of the McCarthy hysteria during the Korean War when people were very much upset about these things and it would seem to me very difficult for any member of this jury to have gone home after voting for acquittal and retained his job or his position in his community."

Judge Irving Kaufman, expressing the hysteria of the time, intoned against the Rosenbergs: "... I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

He condemned them to death. Nobody had ever been executed for espionage in the United States during peacetime. No woman had been executed by the federal government since 1865.

To Morton Sobell the judge said:

"The evidence in the case did not point to any activity on your part in connection with the atomic bomb project."
He condemned Sobell to 30 years, and recommended against parole.

NEW EVIDENCE

Since the trial the following new evidence has been presented in court:

- Memoranda of David Greenglass's lawyers revealing that Greenglass, according to documents in his own handwriting, told conflicting stories; that Greenglass's wife confided that her husband was an habitual liar who had fits of hysteria and ran nude through hallways shouting incoherencies; and memoranda indicating that a deal was made with the prosecution to lighten Greenglass's punishment in exchange for his testimony.
- Proof that a console table the Rosenbergs owned was an ordinary inexpensive table bought in Macy's as they had testified. The prosecution had claimed the table, not produced in court, was an expensive gift from the Russians hollowed out for secret microfilm work.
- Proof that the prosecution brought a passport photographer to court secretly to observe the Rosenbergs. Later, on the stand, he claimed he was identifying them upon seeing them for the first time in court.
- Proof that Morton Sobell was kidnapped from Mexico at the instigation of the prosecution, and that at the trial the prosecution claimed fraudulently that the Mexican government had deported Sobell, thus giving the court the impression that Sobell was a fugitive. The new evidence showed that the Mexican government not only did not deport Sobell, but took action to see that its laws were not violated by an international kidnapping.
- Proof that Sobell and his family went to Mexico in a normal manner with proper tourist cards and air tickets, and in their own name. Sobell, as a scientist and teacher with left-wing views, has admitted that hysteria in the United States frightened him, and while in Mexico on vacation he thought of living abroad. He made inquiries under other names for passage to France and Israel. But he lived openly in Mexico City under his own name where he could be reached readily, and not as a fugitive.

NONE OF THIS EVIDENCE HAS EVER BEEN GIVEN A HEARING IN COURT. Each time, the prosecution has managed to avoid a hearing on the merits.

SUPREME COURT NEVER REHEARS CASE

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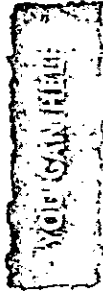
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SOBELL COMMITTEE

910 Broadway, New York 10, N.Y.

AL 4-9983

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conviction of the defendants and
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—JULY 10, 1956 BY MR. JUSTICE

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The Facts in the Rosenberg-Sobell Case 1950-1963



Morton Sobell

THE 1950s

Historians now call it the era of McCarthyism. It was a time of fear and suspicion.

Our nation had been assured the atomic bomb would remain an American monopoly for years to come. When Russia unexpectedly exploded a bomb in 1949, "they stole it from us" was the panicky national response and a search for spies was on.

But Time Magazine commented on Jan. 2, 1950:

"For the last decade, there has been no 'atom-bomb secret' which Russian spies needed to steal. This fact has been asserted again and again by the Atomic Energy Commission. . . . Last week the A.E.C.'s files yielded documentary proof: Russian scientific papers on the project, published in 1949, before the U.S. started its atom bomb project. . . . The basic 'secrets' were already in their files. Until this week the Russian papers have been known to few. If the facts they contain had been properly publicized, a lot of spy chasing and pointless waiting might have been avoided."

THE ROSENBERGS

Suddenly the cause of Russia's A-bomb was said to be discovered by those still insisting it was espionage. Headlines in July, 1950, blamed the arrest of Julius Rosenberg as the "atom spy" who was responsible for Russia having the bomb. His wife was arrested a short while later. In August, Morton Sobell was added as another "atom spy" even though the trial judge was later to say that Sobell was not connected with the atomic project. The Rosenbergs and Sobell swore their innocence. Sobell was pressured to become an accusing witness while the question of a trial for him was delayed. It was only when he still insisted on his innocence that his name was listed as a defendant. The only "overt acts" charged were five conversations which he allegedly had with Julius Rosenberg. These conversations were not to be mentioned at the trial. In the headlines the accused were really even before the trial, which took place during the time of the Korean fighting in a New York courtroom.

Julius and Ethel Rosenberg were arrested in 1950 on charges of espionage. They were accused of passing atomic secrets to the Soviet Union. The Rosenbergs were the first Americans to be sentenced to death for espionage. Julius was sentenced to 30 years in prison, and Ethel was sentenced to 10 years. They were later pardoned by President John F. Kennedy in 1962.

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THE ROSENBERGS

The Rosenbergs were a New York-born couple. Julius Rosenberg had been an engineer and at the time of his arrest had his own machine shop. The couple had two sons.

Morton Sobell,* who grew up in the Bronx, was a radar specialist and an evening instructor at Brooklyn Polytechnical Institute. He was employed at the Reeves Instrument Company at the time of his arrest. He and his wife, Helen, have a son, Mark, now 14, and by Mrs. Sobell's previous marriage, a daughter, Sydney.

Morton Sobell and Julius Rosenberg had known each other at the City College of New York.

THE PROSECUTOR

A key prosecutor, along with Irving Saypol and Myles Lane, was Roy Cohn, later to become Senator McCarthy's chief assistant. Cohn was discredited in the Army-McCarthy hearings in 1954 when it was proven that he doctored a photograph presented in evidence.

THE CHARGE

The gap between the headlines and the facts was wide. Neither the Rosenbergs nor Sobell were charged with espionage or treason. The charge was "conspiracy to commit" espionage. The difference: under the loose conspiracy charge, no proof of any actual acts of espionage is needed. The conspiracy charge is traditionally resorted to when proof of actual acts is lacking.

THE DEFENDANTS

In opposition to the defendants' plea of innocence, no documentary evidence was presented in the trial. The case rested on the testimony of government witnesses who stood to gain personally by their accusations. The trial was colored by prosecution claims, also without documentation, that the defendants were members of the Communist Party.

The chief witness against the Rosenbergs was David Greenglass, brother of Ethel Rosenberg. Greenglass, a mechanic at Los Alamos, did not claim to have stolen any documents or photographed any papers. He told a tale of having eavesdropped on scientists and from

*Morton Sobell is not related to the brothers, Dr. Robert Soblen and Jack Sobel, who were in the public eye in an entirely different case.

their conversation drawing diagrams giving atomic secrets. On cross-examination he admitted having failed his science courses at Brooklyn Polytech. Dr. Harold C. Urey, Nobel prize atomic scientist who studied the record subsequently and found "patently perjured" prosecution testimony, asserted: "Though the information supposed to have been transmitted could have been important, a man of Greenglass's capacity is wholly incapable of transmitting the physics, chemistry and mathematics of the atomic bomb to anyone." Greenglass was sentenced to 15 years imprisonment but is now free after having been released at the end of 1960.

Of Greenglass's testimony, the U. S. Court of Appeals said: "Doubtless, if that testimony were disregarded, the conviction could not stand."

THE WITNESSES

Only one witness, Max Elitcher, accused Sobell of any involvement. Elitcher, admitting previous perjury, testified that he was "scared to death." The judge told the jury: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

Elitcher did not claim Sobell ever passed or received any secret material. He told the jury that Sobell, although he supposedly thought the FBI was following him, took a 35mm film can (camera never specified) to Julius Rosenberg. Elitcher did not claim he saw Sobell give anything to Rosenberg. Elitcher has never been prosecuted for his confessed perjury, but has been helped to find employment, as a reward for his testimony.

Sobell's lawyers advised him that the case was so flimsy his most effective defense would be to rest on his plea of innocence, without even taking the witness stand. Sobell, wanting to take the stand, reluctantly bowed to their legal opinion.

THE WITNESSES

Harry Gold never claimed to have known the Rosenbergs and Sobell. But Gold, already under a 30 years sentence, described himself as the man to whom Greenglass gave the atomic data he said he obtained by eavesdropping on scientists. In a later trial, a man whom Gold accused went free after the court heard Gold's admission of having lived such a life of lies "it is a wonder that steam didn't come out of my ears." Gold is still in prison.

Elizabeth Bentley, who had become a frequent witness at the trials and Congressional hearings of the day, didn't claim to know the Rosenbergs or Sobell but added color with testimony on espionage methods. She was subsequently discredited in other proceedings. For example, she once accused a man of having supplied the Russians with advance information about Doolittle's raid on Tokyo which

was gleaned while the accused was in the Air Corps. But it was proven that the man wasn't in the Air Corps until months after the raid. Former U.S. Congressman Byron Scott of California charged before a Congressional committee that 37 discrepancies had been found in Elizabeth Bentley's testimony in that case.



Ethel Rosenberg



Julius Rosenberg

THE VERDICT WAS "GUILTY."

The verdict was "guilty." Dr. Harold C. Urey has said:

"This jury was hearing this trial in the midst of the McCarthy hysteria during the Korean War when people were very much upset about these things and it would seem to me very difficult for any member of this jury to have gone home after voting for acquittal and retained his job or his position in his community."

Judge Irving Kaufman, expressing the hysteria of the time, intoned against the Rosenbergs: "... I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

He condemned them to death. Nobody had ever been executed for espionage in the United States during peacetime. No woman had been executed by the federal government since 1865.

To Morton Sobell the judge said:

"The evidence in the case did not point to any activity on your part in connection with the atomic bomb project."

He condemned Sobell to 30 years, and recommended against parole.

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Since the trial the following new evidence has been presented in court:

- Memoranda of David Greenglass's lawyers revealing that Greenglass, according to documents in his own handwriting, told conflicting stories; that Greenglass's wife confided that her husband was an habitual liar who had fits of hysteria and ran nude through hallways shouting incoherencies; and memoranda indicating that a deal was made with the prosecution to lighten Greenglass's punishment in exchange for his testimony.
- Proof that a console table the Rosenbergs owned was an ordinary, inexpensive table bought in Macy's as they had testified. The prosecution had claimed the table, not produced in court, was an expensive gift from the Russians hollowed out for secret microfilm work.
- Proof that the prosecution brought a passport photographer to court secretly to observe the Rosenbergs. Later, on the stand, he claimed he was identifying them upon seeing them for the first time in court.
- Proof that Morton Sobell was kidnapped from Mexico at the instigation of the prosecution, and that at the trial the prosecution claimed fraudulently that the Mexican government had deported Sobell, thus giving the court the impression that Sobell was a fugitive. The new evidence showed that the Mexican government not only did not deport Sobell, but took action to see that it's laws were not violated by an international kidnapping.
- Proof that Sobell and his family went to Mexico in a normal manner with proper tourist cards and air tickets, and in their own name. Sobell, as a scientist and teacher with left-wing views, has admitted that hysteria in the United States frightened him, and while in Mexico on vacation he thought of living abroad. He made inquiries under other names for passage to France and Israel. But he lived openly in Mexico City under his own name where he could be reached readily, and not as a fugitive.

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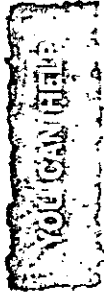
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Committee

940 BROADWAY (Entrance on 27th St.) NEW YORK, N.Y.

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10 Years After Rosenberg Execution

Mrs. Morton Sobell
Morton Sobell
Children

NOBEL PRIZE ATOM SCIENTIST DR. HAROLD C. UREY
TO ADDRESS MEMORIAL MEETING URGING
NEW REVIEW OF CASE AND FREEING MORTON SOBELL

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- Dr. P. ...
- R. ...
- Herbert A. ...
- Dr. H. ...
- Rev. J. ...
- Dr. M. ...
- Rev. Kenneth R. ...
- W. ...
- Tom G. ...
- Rev. Erwin A. ...
- Maxwell ...
- Dr. ...
- Prof. ...
- Robert ...
- Dr. A. ...
- Russell ...
- Rev. John ...
- Rev. Joseph ...
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- Dr. ...
- Howard B. ...
- Prof. Anatol Rapaport
- Prof. Oscar K. Rice
- Lord Bertrand Russell
- Prof. Malcolm Sharp
- Dr. E. R. Sharpe
- Sydney ...
- Rev. Francis S. ...
- Dr. Harold C. Urey
- Mrs. Clara M. Vincent
- Rabbi Jacob J. Weinstein
- Prof. Francis D. Wormuth

Meeting June 19 at Carnegie Hall, Gathering at
Rosenberg Graves, Appeal in Washington,
Actions by Groups in Other Countries
Marking 10th Anniversary of Turbulent Case

Recent Appeals Court Decision Admitting
Law Today Would Have Entitled the Rosenbergs
and Sobell to New Trial Being Stressed

NEW YORK--Atomic Scientist Dr. Harold C. Urey,
who 10 years ago branded testimony against Ethel
and Julius Rosenberg as perjured and helped lead the
fight to save their lives, will address a meeting
at Carnegie Hall, June 19, 1963 on the 10th
anniversary of their execution despite their pleas
of innocence and world-wide appeals.

Dr. Urey, and other participants, will urge
the release of Morton Sobell, who throughout these
years has maintained his innocence despite offers
of leniency if he would make a confession to a crime
he did not commit. Sobell was condemned to 30 years
imprisonment and is at Atlanta Federal Penitentiary.

The PROGRESSIVE

b7d

Madison, Wisconsin

A Ghost

THE continued existence of Morton Sobell is an offense to the things we hold dear. The things we hold dear are peace and quiet. Sobell, by his continued existence, leaves us none.

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There's new evidence, and no way to get it heard. Mr. Kennedy turns his courageous profile away from his executive power. The parole board—without saying why—refuses a parole after the most competent possible witnesses testify that Sobell is an ideal candidate for it.

This living ghost of McCarthyism haunts us from his cell and shames our pretense that *we* are different from *them* because the state exists for man in our society.

Morton Sobell is no great shakes. Neither were Sacco and Vanzetti. We made them great. We can unmake Sobell, and deprive him of his power to torment us, only by freeing him. But then the Rosenberg case will break wide open again.

Do we dare? Do we love our country? Do we love it enough to want to set it free from its shame? The address of the Sobell Committee is 940 Broadway, New York 10.

—THEOPHRASTUS SUCH.

reprinted as a public service by

The Committee To Secure Justice for Morton Sobell
940 Broadway, N. Y. C. AL 4.9983

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940 Broadway, N. Y. C.

AL 4-9983

Mrs. Morton Sobell
Mrs. Rose Sobell
Chairmen

November 1963

Dear Friend:

HONORARY SPONSORS

(partial listing)

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Leo Berman
Rabbi Samuel Bernstein
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Prof. Oscar K. Rice
Lord Bertrand Russell
Prof. Malcolm Sharp
Dr. D. R. Sharpe
Sidney Silverman, M.P.
Rev. Francis S. Tucker
Dr. Harold C. Urey
Mrs. Clara M. Vincent
Rabbi Jacob J. Weinstein
Prof. Francis D. Wormuth

On August 5, 1963, President Kennedy commuted the lifetime sentence of Douglas Chandler convicted of pro-Nazi treason. He is now free.

The immorality of the conviction and long imprisonment of my innocent husband, Morton Sobell, has always been shocking. The double standard manifested in President Kennedy releasing Chandler while refusing to take action in my husband's case is outrageous.

Parole refused. Commutation refused.

President Kennedy continues to deny freedom to Morton even though he is beseeched with pleas from the world's most eminent individuals condemning the Rosenberg-Sobell trial and the barbarity of the 30-year sentence.

We urge you to protest by writing to President Kennedy demanding Morton's freedom now. You may want to write your letter on the back of the enclosed PROTESTATIVE LETTERS editorial which passionately urges an end to this cruelty.

Our message must go to the nation and the world. The size of your contribution, mailed in the enclosed envelope, will determine our ability to reach people. Please make it as large as possible.

Very sincerely yours,

Helen L. Sobell
(Mrs. Morton Sobell)

PLEASE DO NOT
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11/11/51

The PROGRESSIVE

Madison, Wisconsin

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reprinted as a public service by

The Committee To Secure Justice for Morton Sobell
940 Broadway, N. Y. C.

AL 4-9983

Committee To Secure Justice For Morton Sobell

940 BROADWAY (Entrance on 22nd Street) NEW YORK 10, N. Y.

Algebra 4 9783

87d

".....TO MAKE OUR SOCIETY WELL."

President Lyndon B. Johnson, voicing the soul-searching anguish over the unhealthy atmosphere in our country, has called upon our nation "to bind our wounds, to heal our sores, to make our society well."

For more than a decade now the Rosenberg-Sobell case has been a basic example of the malignancy afflicting America. The seeds of mob violence today could be seen in that frightening moment of June 19, 1953, when a throng across from the White House cheered and rang cowbells at the news that Julius and Ethel Rosenberg had been electrocuted.

The immorality that could enable the United States Government itself to take the lives of parents maintaining their innocence despite pleas from world notables including Pope Pius XII has continued to fester all these years with the refusal to free Morton Sobell despite his innocence.

How many signs does a nation need before it turns from the road that winds from a blood-thirsty cheer when persons are executed in the McCarthy era to the reported cheering by some school children when the President of the United States is foully murdered?

No American, great or humble, is safe when injustice and immorality is permitted to flourish. It is this understanding that has impelled so many thousands to act in the Rosenberg-Sobell case even though it might have been more comfortable to sit on the sidelines.

We hope that in the context of the many sermons and public statements today sounding the alarm at events in our time we will be better able to get across to the public the meaning of a case of injustice and cruelty to an individual. For 14 years Morton Sobell has been subjected to the harshest punishments available, through Alcatraz, through Atlanta, and now that his health has been impaired, at the Prison Medical Center in Springfield, Missouri. The freeing of Morton Sobell at last, coupled with the righting of other injustices plaguing us all, must be a prime subject of concern for our new President, and we urge everyone to call this to his attention.

PLEASE DO NOT REMOVE
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FILE

Secure Justice For Morton Sobell

940 BROADWAY (Entrance on 22nd Street) NEW YORK, N. Y. 10010
Atgenquin 4-6923

November 1963

Mrs. Morton Sobell
Mrs. Rose Sobell
Chairman

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(Mrs. Morton Sobell)

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The PROGRESSIVE

Madison, Wisconsin

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—THEOPHRASTUS SUCH.

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The Committee To Secure Justice for Morton Sobell
940 Broadway, N. Y. C.

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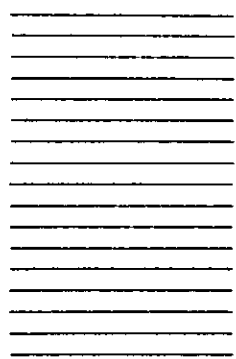
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Call for Justice For Morton Sobell

940 BROADWAY (Entrance on 22nd Street) NEW YORK 10, N. Y.

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"I WANT THE FIGHT ON MY BEHALF TO BE FOR A FULL
PARDON BASED ON MY INNOCENCE."

Morton Sobell

From the beginning everything was calculated to frighten me, the abduction, the farce of a hearing in Laredo, being dragged before the Commissioner in New York and hearing prosecutor Saypool let loose a torrent of lies. Then followed the "conference" in which I was told that I was doomed and might as well give up. Later there was Alcatraz and then Atlanta. But it didn't frighten me, it couldn't!

After all, I knew the charges were baseless, but I wasn't naive enough to believe this guaranteed my safety. They wanted me for a false prosecution witness! Yet the knowledge of innocence gave me the strength to match their stares, even if I couldn't match their hatred.

There never arose a question about how I should proceed. All their threats and anonymous letters didn't affect me. After the painful education of the trial as it was conducted by Judge Kaufman, and the perjuries and power plays of prosecutors Irving Saypol, Myles Lane and Roy Cohn, how could I ever permit myself to be used as their tool?

To have heard the sentences of death delivered against two innocent people made me understand the heavy burden laid upon the conscience of our country. I had hoped that some part of that savage imprint upon our history could be erased through calm and reason, but I have not seen this. Rather this "legal" murder was followed by the illegal murders of Medgar Evers, William L. Moore, the Birmingham children, and our President.

Less than five months after the execution of the Rosenbergs, President Eisenhower commuted the death sentence of Tomoya Kawakita, convicted of treason for his torture of GIs in a Japanese POW camp. Recently Kawakita was freed and permitted to return to Japan. Douglas Chandler, too, convicted of treason for helping the Nazis in Germany, has been freed. Why was the death sentence of the Rosenbergs not commuted, and why have I not been set free?

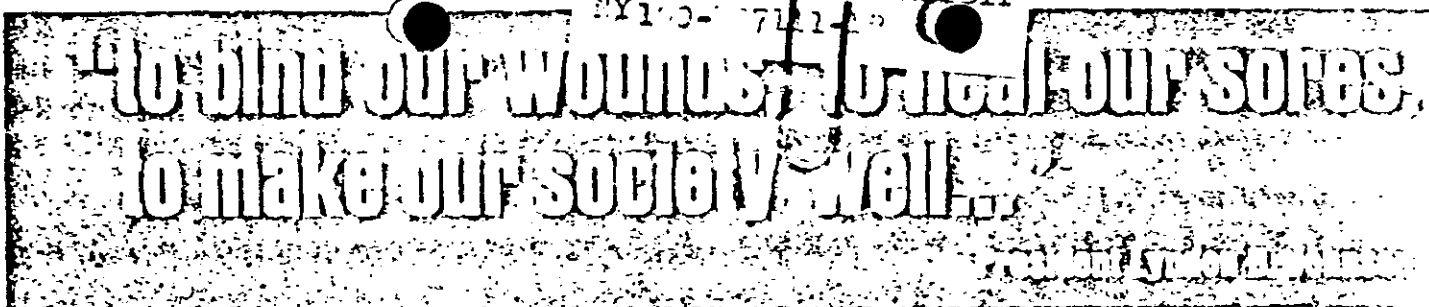
In all that has transpired through nearly 14 years, I have no regret for anything, done or undone, by myself or those who have worked in my behalf. When the question of clemency was first raised it pained me beyond anything I had experienced. It was foreign to my nature, repulsive, but understandable as a procedure.

It has at this late date, however, become a farce to set aside the merits of our case and speak of mercy, humanity, of clemency and amnesty. I want the fight on my behalf to be for a full pardon based on my innocence and nothing else. It is much easier for me this way, and it will better serve justice.

December 10, 1963

Morton Sobell

Your signature and contribution will carry on Morton Sobell's fight.



Morton Sobell is INNOCENT say:

- HAROLD C. UREY
- MARTIN BUBER
- PABLO CASALS
- BERTRAND RUSSELL
- LINUS PAULING

CITIZENS' FULL PARDON FOR MORTON SOBELL

In the national effort to end the atmosphere of immorality and malice that concerns us all, we must come to grips with the festering case of Morton Sobell.

"I am innocent," Morton Sobell has cried out through more than 13 years of imprisonment. We believe him. Some of the most eminent persons in the United States and abroad have found the evidence barren, questioned the fairness of the trial, and voiced shock at the extreme cruelty of the 30-year sentence.

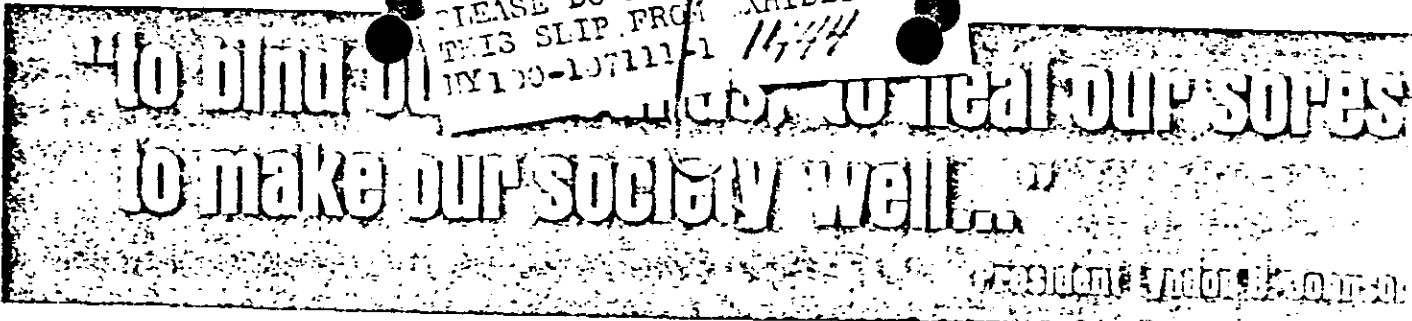
As responsible citizens, in whose name Morton Sobell's imprisonment continues, we cannot be associated with such a denial of justice to a man and his family, and to our nation's ideals. We wish to join in granting on behalf of the public conscience a **CITIZENS' FULL PARDON** to Morton Sobell.

We respectfully call upon the President of the United States to make this an official act of the United States Government.

Name	Address	Occupation

Those who are asking freedom for Morton Sobell include:





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HAROLD C. UREY

MARTIN BUBER

PABLO CASALS

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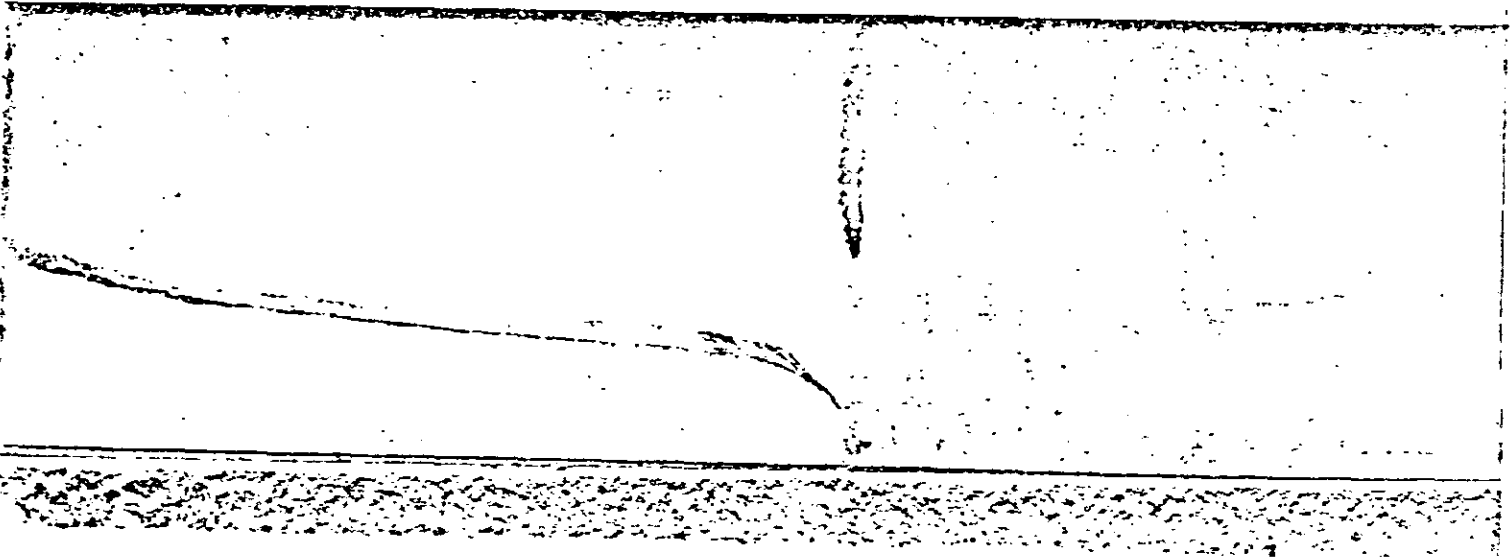
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Return to Sobell Committee
940 Ed'way, New York, N. Y. 10010

Those who are asking freedom for Morton Sobell include



THE DEFENDANTS

The Rosenbergs were a New York-born couple. Julius Rosenberg had been an engineer and at the time of his arrest had his own machine shop. The couple had two sons.

Morton Sobell,* who grew up in the Bronx, was a radar specialist and an evening instructor at Brooklyn Polytechnical Institute. He was employed at the Reeves Instrument Company at the time of his arrest. He and his wife, Helen, have a son, Mark, now 14, and by Mrs. Sobell's previous marriage, a daughter, Sydney.

Morton Sobell and Julius Rosenberg had known each other at the City College of New York.

THE PROSECUTOR

A key prosecutor, along with Irving Saypol and Myles Lane, was Roy Cohn, later to become Senator McCarthy's chief assistant. Cohn was discredited in the Army-McCarthy hearings in 1954 when it was proven that he doctored a photograph presented in evidence.

AN ACCUSATION OF GUILTY

The gap between the headlines and the facts was wide. Neither the Rosenbergs nor Sobell were charged with espionage or treason. The charge was "conspiracy to commit" espionage. The difference: under the loose conspiracy charge, no proof of any actual acts of espionage is needed. The conspiracy charge is traditionally resorted to when proof of actual acts is lacking.

THE DEFENDANTS' EVIDENCE

In opposition to the defendants' plea of innocence, no documentary evidence was presented in the trial. The case rested on the testimony of government witnesses who stood to gain personally by their accusations. The trial was colored by prosecution claims, also without documentation, that the defendants were members of the Communist Party.

The chief witness against the Rosenbergs was David Greenglass, brother of Ethel Rosenberg. Greenglass, a mechanic at Los Alamos, did not claim to have stolen any documents or photographed any papers. He told a tale of having eavesdropped on scientists and from

*Morton Sobell is not related to the brothers, Dr. Robert Soblen and Jack Sobel, who were in the public eye in an entirely different case.

their conversation drawing diagrams, giving atomic secrets. On cross-examination he admitted having attended his science courses at Brooklyn Polytech. Dr. Harold C. Urey, Nobel prize atomic scientist who studied the record subsequently, found "patently perjured" prosecution testimony. "I found the information supposed to have been transmitted could have been important, a man of Greenglass's capacity is wholly incapable of transmitting the physics, chemistry and mathematics of the atomic bomb to anyone." Greenglass was sentenced to 15 years imprisonment but is now free after having been released at the end of 1960.

Of Greenglass's testimony, the U. S. Court of Appeals said: "Doubtless, if that testimony were disregarded, the conviction could not stand."

THE DEFENDANTS' EVIDENCE

Only one witness, Max Elitcher, accused Sobell of any involvement. Elitcher, admitting previous perjury, testified that he was "scared to death." The judge told the jury: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

Elitcher did not claim Sobell ever passed or received any secret material. He told the jury that Sobell, although he supposedly thought the FBI was following him, took a 35mm film can (contents never specified) to Julius Rosenberg. Elitcher did not claim he Sobell give anything to Rosenberg. Elitcher has never been prosecuted for his confessed perjury, but has been helped to find employment, as a reward for his testimony.

Sobell's lawyers advised him that the case was so flimsy his most effective defense would be to plead on his plea of innocence, without even taking the witness stand. Sobell, wanting to take the stand, reluctantly bowed to their legal opinion.

THE DEFENDANTS' EVIDENCE

Harry Gold never claimed to have known the Rosenbergs and Sobell. But Gold, already under a 30 years sentence, described himself as the man to whom Greenglass gave the atomic data he said he obtained by eavesdropping on scientists. In a later trial, a man whom Gold accused went free after the court heard Gold's admission of having lived such a life of lies "it is a wonder that steam didn't come out of my ears." Gold is still in prison.

Elizabeth Bentley, who had become a frequent witness at the trials and Congressional hearings of the day, didn't claim to know the Rosenbergs or Sobell but admitted her with testimony on espionage methods. She was subsequently discredited in other proceedings. For example, she once accused a man of having supplied the Russians with advance information about Lockheed's raid on Tokyo which

was gleaned while the accused was in the Air Corps. But it was proven that the man wasn't in the Air Corps until months after the raid. Former U.S. Congressman Byron Scott of California charged before a Congressional committee that 37 discrepancies had been found in Elizabeth Bentley's testimony in that case.



Ethel Rosenberg



Julius Rosenberg

UNPRECEDENTED SENTENCES

The verdict was "guilty," Dr. Harold C. Urey has said:

"This jury was hearing this trial in the midst of the McCarthy hysteria during the Korean War when people were very much upset about these things and it would seem to me very difficult for any member of this jury to have gone home after voting for acquittal and retained his job or his position in his community."

Judge Irving Kaufman, expressing the hysteria of the time, intoned against the Rosenbergs: "... I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

He condemned them to death. Nobody had ever been executed for espionage in the United States during peacetime. No woman had been executed by the federal government since 1865.

To Morton Sobell the judge said:

"The evidence in the case did not point to any activity on your part in connection with the atomic bomb project."

He condemned Sobell to 30 years, and recommended against parole.

NEW EVIDENCE

Since the trial the following new evidence has been presented in court:

- Memoranda of David Greenglass's lawyers revealing that Greenglass, according to documents in his own handwriting, told conflicting stories; that Greenglass's wife confided that her husband was an habitual liar who had a "case" of hysteria and ran away through hallways shouting incoherently, and memoranda indicating that a deal was made with the prosecution to lighten Greenglass's punishment in exchange for his testimony.
- Proof that a console table the Rosenbergs owned was an ordinary, inexpensive table bought in Mexico as they had testified. The prosecution had claimed the table, for produced in court, was an expensive gift from the Russians hollowed out for secret microfilm work.
- Proof that the prosecution bought a passport photographer to court secretly to observe the Rosenbergs. Later, on the stand, he claimed he was identifying them upon seeing them for the first time in court.
- Proof that Morton Sobell was kidnapped from Mexico at the instigation of the prosecution, and that at the trial the prosecution claimed fraudulently that the Mexican government had deported Sobell, thus giving the court the impression that Sobell was a fugitive. The new evidence showed that the Mexican government not only did not deport Sobell, but took action to see that its laws were violated by an international kidnapping.
- Proof that Sobell and his family went to Mexico in a normal manner with proper tourist cards and air tickets, and in their own name. Sobell, as a scientist and teacher with left-wing views, has admitted that hysteria in the United States frightened him, and while in Mexico on vacation he thought of living abroad. He made inquiries under other names for passage to France and Israel. But he lived openly in Mexico City under his own name where he could be reached readily, and not as a fugitive.

NONE OF THIS EVIDENCE HAS EVER BEEN GIVEN A HEARING IN COURT. Each time, the prosecution has managed to avoid a hearing on the merits.

SUPREME COURT NEVER REVERSED

Defenders of the Rosenbergs and Sobell verdict often claim that the Supreme Court has reviewed the case many times and found nothing wrong. The fact is, Justice Black has stated, "This Court has never reviewed this verdict and has never affirmed the fairness of the trial below." The Supreme Court has emphasized that refusal to review a case in no way settles its merits. Further, appeals are limited to legal points, not the question of innocence or guilt or which witness was telling the truth.

One judge of the U.S. Court of Appeals, the late Jerome Frank,

voted for a new Sobell trial in a dissenting opinion holding that Sobell's case should have been considered separately from that of the Rosenbergs.

PROSECUTION TACTICS

"Wholly reprehensible" was the expression the U.S. Court of Appeals used in one decision describing prosecution tactics in getting publicity prejudicial to the defense during the trial. The court said that if the defense had raised the question sooner, a mistrial should have been declared.

Recent court decisions have emphasized other prosecution unfairness. The prosecution repeatedly implied to the jury that Ethel Rosenberg's answers at the trial could not be believed because she had pleaded the 5th Amendment to the same questions previously before a Grand Jury. Supreme Court rulings in other cases since the execution have branded such tactics as unfair and illegal.

On Feb. 6, 1963, the U.S. Court of Appeals acknowledged that under today's interpretation of the law the trial of Ethel and Julius Rosenberg and Morton Sobell would have been considered unfair. But the court said it is too late for Sobell to raise the point. Legally speaking, the Appeals Court said, it would not be too late for Ethel Rosenberg, if she were alive, to raise the point.

APPEALS FOR GRACE

The furor that the Rosenberg-Sobell trial unleashed has been paralleled only by such cases as the Mooney-Billings and Sacco-Vanzetti cases in the United States and the Dreyfus case abroad. There were public meetings and demonstrations, debates in the press, thousands marching before the White House, and pleas pouring in from throughout the world. Pope Pius XII, the President of France, and Albert Einstein were among those who intervened for clemency.

A legal battle raged until the last moment. Justice Douglas granted a stay of execution, braving later moves for his impeachment. The Supreme Court had adjourned for the summer, but it was called back into unprecedented session to overrule Justice Douglas 6-3 while the executioner stood by in Sing Sing prison. A few hours later, on June 19, 1953, with the execution moved ahead until just before sundown to avoid having it occur on the Jewish Sabbath, Julius and Ethel Rosenberg were electrocuted. They swore their innocence in final statements. A telephone was kept open to the death chamber with the offer to spare them if they would admit guilt.

Morton Sobell received the news in Alcatraz, a prison supposedly for hardened criminals. He had been sent there on Thanksgiving Day, 1952, after he refused to admit guilt and accuse the Rosenbergs. After the death of the Rosenbergs he was approached again to

where his wife could only see him through a pane of glass and talk through a telephone when she visited him. Widespread public protests against this treatment as being vindictive resulted in his transfer to Atlanta Federal Penitentiary, where he is now held.

APPEALS FOR GRACE

APPEALS FOR GRACE

The list of those urging Sobell's release has grown each year. It includes eminent persons of many viewpoints the world over (see partial listing on page 10.) There are appeals by those who question the fairness of the trial, by those who believe the Rosenbergs and Sobell innocent, by those who say the Rosenbergs were guilty but Sobell is innocent, and even by those who accept Sobell's guilt but regard the 30-year sentence as excessive and believe he should now be released.

A special independent study was made by a noted group including Edmond Cahn, professor of law at New York University, and Dr. Reinhold Niebuhr of the Union Theological Seminary. The panel of inquiry called the case against Sobell "vague in content and slender in proof" and recommended a commutation of sentence.

APPEALS FOR GRACE

Before his election as President, then Senator John F. Kennedy had his aides meet with persons appealing for Sobell and gave every impression of planning action on his behalf. After the election, Presidential spokesmen in the White House were still optimistic about favorable action. A "new" study was said to be underway in the Justice Department. But it turned out that those assigned to the study were the same holdovers in the department who previously had the responsibility of defending the verdict and the execution of the Rosenbergs.

Presidential clemency was denied. The official position was that it would be up to the parole board.

APPEALS FOR GRACE

Morton Sobell is officially eligible for parole. He has a job waiting for him. Rabbi Balfour Brickner, director of the Joint Commission on Interfaith Activities of the Union of American Hebrew Congregations

ration and the Central Conference of American Rabbis, has agreed to serve as his parole advisor. Sobell's wife, his mother, and his children have stood by him, working for his freedom, and the family has maintained as close a relation as possible through prison visits and correspondence.

Donal E. J. MacNamara, Dean of the New York Institute of Criminology, describes Sobell as the ideal candidate for parole under every accepted criterion. Notables from throughout the country testified in Washington in behalf of Sobell at a parole hearing and recommended that he be allowed to return to society and make his contributions as a scientist.

Parole has been denied. No reasons have been cited.

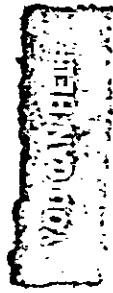
The Rosenberg-Sobell case runs through the fabric of the last decade. There have been countless statements by authorities that Russian scientific capacities were woefully underestimated and Soviet development did not come from espionage. Yet two persons are buried in a grave on Long Island on the accusation that they gave Russia the atomic bomb.

Newspaper columnist Jack Scott has commented in the Vancouver Sun: "Sobell, himself, has continued to protest his innocence, although a confession, whether true or false, would lighten his staggering sentence . . . I happened to be reading a booklet on the witchcraft trials in Salem, Mass., when I came across the Sobell file. One paragraph tells of 13 women and six men hanged as witches and concludes, 'Fifty persons confessed and were freed.' The comparison with the Rosenberg-Sobell case is unavoidable."

Professor Francis D. Wormuth of the University of Utah, authority on Constitutional law, calls Sobell: "The man in the iron mask of the Pandora's box of the Rosenberg-Sobell case.

A committee of eminent Americans is seeking to form an independent Commission of Inquiry that would investigate the entire case from top to bottom and render a verdict in the light of present perspective.

Meanwhile, there is a continuing urgent effort to free Morton Sobell through renewed appeals in the courts, to the parole board, to President Kennedy for executive action, and to the public conscience.



Write to President Johnson urging that he free

1. ~~Write to President Johnson urging that he free Sobell and name an independent inquiry commission into the Rosenberg-Sobell case.~~
2. Show to your organization or home gathering the new 16mm sound film "Morton Sobell—A Plea for Justice" (30 minutes).
3. Send a contribution to the Sobell Committee at the address below to help carry on its work.
4. Circulate this booklet and other available material for more intensive study. The full trial record can be bought for \$6 per set of 8 volumes, or it can be borrowed.

SOBELL COMMITTEE

910 Broadway, New York 10, N.Y.

AL-4-9983



Among those who have urged Sobell's release on many grounds are:

Rev. Gross W. Alexander
David Andrews
Roger Baldwin
Rabbi J. S. Bass
Carleton Beals
Helen M. Beardsley
Dr. John C. Bennett
Leo Berman
Rabbi Samuel Bernstein
Robert Bolt
Rabbi Balfour Brickner
Dr. Martin Buber
Dr. Edmond Cahn
Pablo Casals
Lord Cherley
Harold A. Crane
Lloyd Donnell
Rabbi Maurice B. Eisendrath
Elizabeth, Queen Mother of Belgium
Dr. Thomas I. Emerson
Rev. John E. Evans
James T. Farrell
Rabbi Morris Fishman
Rev. Kenneth Ripley Forbes
Waldo Frank
Rev. G. Shubert Frye
Rev. Erwin A. Gaede
Maxwell Geismar
Rabbi Robert E. Goldberg
Rabbi Israel Goldstein
Prof. Erwin R. Goodenough
Rev. Donald Harrington
Dr. A. Eustace Haydon
Nat Hentoff
Rev. John Haynes Holmes
Rabbi Philip Horowitz
Leo Hurwitz
Rev. John Paul Jones
Rev. Joseph P. King
Rev. Martin Luther King, Jr.
William Kunstler
Morris Laub
Dr. Paul L. Lehmann
Rabbi Arthur J. Lelyveld
Doris Lessing
Donal E. J. MacNamara
Daniel G. Marshall
Dr. Leo Mayer
Milton Mayer
Louis F. McCabe

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Rev. Peter McCormack
Sen. Lee Metcalf
Dr. Uri Miller
Gerhard O. W. Mueller
Lewis Mumford
Dr. Gardner Murphy
Jerome Nathanson
Dr. Reinhold Niebuhr
Lord Boyd Orr
Prof. Victor Paschkis
Dr. Linus Pauling
Dr. Bryden Linsley Phelps
Clarence E. Pickett
Prof. Dale Pontius
Dr. Luis Sanchez Ponton
Rabbi Emanuel Rackman
Howard B. Radest
Paul Ramsey
Prof. Anatol Rapoport
Prof. Oscar K. Rice
Prof. Fred Rodell
Lord Bertrand Russell
Jean-Paul Sartre
Prof. Malcolm Sharp
Dr. D. R. Sharpe
Alan Sillitoe
Sydney Silverman, M.P.
Harvey Swados
Norman Thomas
Rev. Francis S. Tucker
Kenneth Tynan
Dr. Harold C. Urey
Mrs. Clara M. Vincent
Rowland Watts
Rabbi Jacob J. Weinstein
Arnold Wesker
Dr. Daniel Day Williams
Prof. Francis D. Wormuth
Belgian League for Rights for Man
Christian Century
The Nation Magazine
The New Republic
The New York Post
The Progressive
Social Action Commission of the
Union of American Hebrew
Congregations
Thirty Members of Parliament, Britain
Women's International League for
Peace and Freedom
1500 American Clergymen

For further information write:

SOBELL COMMITTEE, 910 Broadway, New York 10, N.Y.

Excerpts of this Sermon appeared
in an article of THE QUETARIAN
REGISTER of February, 1960

WHEN CONSCIENCE SPEAKS

A Sermon Delivered by
Reverend Samuel A. Wright, Jr.

WHEN CONSCIENCE SPEAKS

"The execution took place on August 23, 1927. . . . The troops were called out to protect the prison and the home of Judge Thayer, who never needed much of a guard because, for the few unhappy years he lived, he was a serviceable red tag for the 'reds.' Who judged Dreyfus? Who judged Muoney? A dead judge isn't of any use to the opposition. . . . Vanzetti said: 'I want to thank you for all you have done for me, warden. I want to tell you that I am innocent and that I have never committed any crime but sometimes some sin. I thank you for everything you have done for me. I am innocent of all crime, not only this, but all. I am an innocent man. I wish to forgive some people for what they are now doing to me.' The warden, who was in no way responsible, was hardly able to make the prescribed announcement after the execution."*

This was the report of Phil Strong, at that time feature writer for the North American Newspaper Alliance. I was 8 years old in 1927, but I do recall the question of injustice being raised at the dinner table, attached to the names Sacco and Vanzetti. I remember my father saying, "They must be guilty or they would not be executed." Sacco and Vanzetti were arrested during the great red hunt of 1920; a shoe workman and a pushcart fish peddler. As Phil Strong reported at the time of the trial, "There had been so much newspaper agitation against the murderous 'reds' that the chauvinistic louts on the jury would have convicted Bart Vanzetti of riding a broomstick if he had had a splinter in his finger. Being a wandering fish peddler, his alibi was worthless."*

I was just learning to walk when Sacco and Vanzetti were arrested, and I must admit that until a few weeks ago, these names were to me only some kind of a war-cry, like "Remember the Alamo," whenever someone felt there was an unjust accusation and a crime. As I read the reports of the case, I ran across this statement by a conservative editor of the Boston Transcript. "No, of course they weren't guilty. When you are familiar with the transcript, which you can't be through the newspaper reporting of the trial, you'll see that it's more or less insulting to anyone's intelligence to ask that question. . . . If they'd been railroaded intelligently it would have saved all this."*

I have recently finished reading the one thousand seven hundred and fifteen pages of transcript of the Rosenberg-Sobell "conspiracy" trial which resulted in the electrocution of Ethel and Julius Rosenberg, June 19, 1953, and the sentencing of Morton Sobell to thirty years in prison. It was because so much reference was made to Sacco and Vanzetti in relation

to this trial, that I informed myself on that case also.

I must confess that I had not explored this matter before because I have great faith in our courts, and I know there are spies and it is the court's job to look after the matter, so why bother. I must also admit that I have felt for a long time that this Rosenberg-Sobell affair was a blurred picture, and was on my conscience, but when conscience speaks, it does make cowards of us all; and if I did not look too deeply I might not need become concerned. Besides, I have much else that concerns me and the days are short.

However, on February 2nd, a Presbyterian clergyman who was just completing a lifetime in the ministry called on me at the church office. He introduced himself as the Reverend Peter Mc Cormack, Minister of Visitation of Saint John's Presbyterian Church in San Francisco and former protestant chaplain at Alcatraz. He said that he was there on behalf of Morton Sobell. I then recalled that it was Reverend Mc Cormack who after five years as chaplain at Alcatraz had signed a petition asking for a new trial for Morton Sobell (who was then in Alcatraz) and he was relieved of his job for being too zealous for the welfare of the prisoners.

I am afraid I gave this elderly Scotch minister a rough time, for it is written in the Panclatantra of around 300 B. C., "Guilty consciences always make people cowards," and Shakespeare picked up the refrain in Hamlet, "Thus conscience does make cowards of us all; and thus the native hue of resolution is sicklied o'er with the pale cast of thought, and enterprises of great pith and moment with this regard their currents turn awry, and lose the name of action." I asked the Reverend Mc Cormack why I should be more concerned about Sobell than any of the other persons on whose behalf I might act or had acted. Hadn't the case been before the Supreme Court of the United States? I asked him why he was so concerned about one man over and above many others. I even asked him what role the Communist Party members had in this case, and how did he know that he was not being used by forces that were not at all interested in justice?

Very simply, he told me that as Chaplain at Alcatraz, he became personally closely acquainted with Morton Sobell, that from his more than 30 years in the parish ministry, he felt he knew Sobell well enough to say that he believed he was utterly incapable of what he was charged; that Morton Sobell was a man of professed convictions in the best things of our tradition. He said that out of his interest in the man, he acquired a copy of the trial transcript, and upon reading it became convinced of Sobell's innocence.

What Reverend Mc Cormack wanted from me was

the requirements for the kind of scholarly, independent and objective investigation necessary to raise the need for a reappraisal of the case, to the end that enough public opinion might be brought to bear so that new evidence and obvious perjury would open the matter for a new look, with the reflection that comes from the passage of time, and a freedom from fears and passions of a few years ago. Moreover, he pointed out, Morton Sobell, maintaining his innocence, remains imprisoned under a thirty year sentence, thus giving an urgency in human terms as well as in historical necessity.

I told the Reverend Peter Mc Cormack that if he would send me a copy of the trial transcript, I would carefully read it and give him my answer after I had, in effect, done the independent investigation necessary for me to express an opinion. He sent me the 8 booklets of the transcript which I still have to return. After reading the transcript carefully I have come to the same conclusion as Dr. Harold C. Urey, the world renowned atomic scientist of the University of Chicago, that "the proof of the guilt of Morton Sobell is far from satisfactory to me," and that "additional evidence substantiating my suspicions has convinced me that the jury's verdict of guilty was incorrect and that the Rosenbergs were not 'guilty beyond a reasonable doubt.'"

Well, what can be accomplished by bringing these matters after the Rosenbergs have been executed? As Dr. Urey said, "This case is of interest to all who work on secret military matters, for such people are less secure than they were previously. This practice of giving immunity to criminals (as in this case) in payment for testimony is particularly pernicious. One criminal accuses another who again accuses another until perhaps an innocent person is accused and the chain is broken and we give the maximum punishment to the innocent person. The system encourages criminals. If you wish to commit a crime, pick out one of your 'friends' or a relative whom you do not like, compromise him in various ways (namely ask him to ask his physician about necessary inoculations for a trip to Mexico), then commit the crime and if caught give evidence against your 'accomplice' and go free! Or, perhaps someone else is doing this and you are the 'accomplice' without knowing it at all. The practice sets the stage for framing innocent people, and are particularly threatened. Moreover, communism and espionage are not fought by executing innocent people."*

Sobell and his family went to Mexico. The prosecution insisted that he went there to flee the country, and a card with the words "Deported from Mexico, stamped on it was presented in court as evidence of flight. Today there are official documents from the Mexican Government stating that their government

Sobell. He was taken from his family in Mexico City by men claiming to be Mexican secret police and charged with being a Johnny Jones who robbed a bank in Acapulco of \$15,000. He was refused a request to contact the American embassy, was beaten unconscious, driven to Laredo, Texas, and delivered to a waiting party of FBI agents. He had tourist cards in his own name; he declared his camera in Dallas, Texas, in his own name in order to avoid tariff on his return home. Sobell's airline tickets, visa, and camera declaration were in the FBI's possession until 1954, (three years after the trial) when they were then released to Sobell's attorneys who have incorporated them in the petitions which were recently before the courts. Another incredible thing in relationship to Sobell's trial is that only one witness testified that Sobell had been involved in a conspiracy. This witness, Max Elitcher, a boyhood friend and former classmate, and a confessed perjurer and inveterate liar, had the powerful motive of escaping a prison sentence when he acted as a witness for the prosecution. Judge Kaufman himself said when he instructed the jury, "If you do not believe the testimony of Max Elitcher as it pertains to Morton Sobell, then you must acquit the defendant Sobell." That jury in 1951 chose to believe Max Elitcher, and Judge Kaufman sentenced Morton Sobell to thirty years.

There are many aspects of this case into which I might go if I had the time this morning, so you might understand why I believe it is most important that this whole matter be reopened -- if for no other reason than our children's sake, because of the kind of climate which we bequeath the next generation! When conscience speaks, it does make cowards of us all, but some of us have been forced into the open in the cause of justice. I feel as Lord Bertrand Russell did when he wrote: "I am ashamed to say that at the time of the Rosenberg-Sobell trial I did not look into the evidence. I have now done so. I am almost certain that the Rosenbergs were innocent.... But the Rosenbergs are dead and nothing can be done for them. Sobell, however, is alive and it is not too late for the U. S. Government to make some reparation to him."

To those of you who have never questioned the guilt of those convicted in the Rosenberg-Sobell case, this sermon no doubt comes as something of a shock. It comes as a shock to anyone who implicitly trusts the justice of American legal procedure. In speaking of the Rosenbergs, Dr. Harold Urey said, "People ask why the prosecuting attorney and the FBI and the judge should wish to see two insignificant people put to death unjustly. After considerable conversations with lawyers on this subject, including one who worked on the government side of this case, I concluded that lawyers are more interested in whether all the legal machinery functions according to all the rules, and are not in the least interested in the arguments which are important to me. There are exceptions, of course."

* The Rev. Irwin Gaede, Unitarian Church of Westwood, California

Personally, I do not know whether the Rosenbergs, or Morton Sobell are guilty or innocent. But I am convinced in my own mind that much more should be heard in a case where lies and counter lies are obviously in evidence. If we believe in the striving for justice and moral integrity in our country, this is a matter which concerns each of us. My conscience will not let this matter lie.

Do you recall a senate investigating committee wondering how it could be possible that the Russians could have sent two sputniks into outer space while we had sent none and deciding to inquire of David Greenglass in Lewisburg penitentiary -- the same David Greenglass whose testimony sent his sister and brother-in-law (the Rosenbergs) to the electric chair? The committee came forth with the statement that the Rosenbergs had given space travel information to the Russians more than ten years ago -- the inference apparently being that we knew how to launch a successful satellite over a decade ago, but that by stealing our "secrets" the Russians beat us into outer space! Would any reputable scientist confirm such a story? Yet this statement was made by the same man who was the chief witness in the Rosenberg-Sobell trial.

The Dreyfus affair in France, the Sacco-Vanzetti case in our country, the political climate of the early 1950's, with the loose nature of conspiracy charges where little was needed to convict, the plausibility of evidence by perjurers and self-confessed spies, all this weighs upon my conscience. The climate in which the Rosenberg-Sobell case was heard bordered on the hysterical. It was a fearful time to speak out. I signed a petition (a citizen's constitutional method of expression) and made the front page of the Boston Traveler, with all the inference that I was part of a plot to overthrow the United States Government and turn it over to the Soviet Union! There was very little sanity about, and it seemed as if the world had gone a little mad.

I must confess that I, too, was a little mad. I could have done much more than I did. The mark of madness is disorientation, and I think even today the religious liberal has badly lost his sense of direction. We are confused, bewildered, and thwarted. In these turbulent and challenging times, emotions well up to seek expression; but the liberal cannot merely emit, he must reason his reaction and understand in order to believe. He must believe in order to act, even as authority, allergic to propaganda, yet he must have information in order to understand. Being overwhelmed by competing, often conflicting propaganda, he is confused, thwarted, maladjusted.

in moral law. The detachment of moral law from superstitious sanctions has reduced its impressiveness. With no Hell and no wrath of God to punish the wrong doer, evil has become less frightening, and so with other dogmas of religion. What we often fail to see is that dogmas come and go, but the values and the sense of enduring purposes which these things symbolized are the foundation of civilization. And when they have gone, so has each civilization in history.

Since the end of the second world war we have talked about the despatchness of our situation and have acted as though it were not disperate at all. We are schizoid -- a nation with a split personality. And it is high time we became cured of it. This is not just a matter of government. I happen to know among many business concerns it is a common practice to employ specialists in the avoidance of taxes. A battle of wits goes on between those who draft tax bills and those who search for loopholes in the legislation. This is not illegal; but then neither is it illegal for a collector of taxes to buy an automobile at a friendly price. It is a matter not of legality but of morality. The next step, of course, comes when the collector is expected to favor the automobile dealer when he finds himself in tax difficulties. Of course you can say why be fussy? Why not get wise and do what everybody else does? Lobbyists for big concerns succeed in influencing legislation. The newspapers are not honest. They seldom print what might reduce their advertising. Even the churches are not honest. How often do they preach the truth to the big contributors? This disease is international in scope -- attacking nations, groups, and individuals. It is a philosophy of reaction which in the early 1950's, in fear of real or imagined threats to the status quo, took refuge in name-calling, suppressive activities, the illusion of infallibility, and the refusal to tolerate disagreement however sincere. It is the philosophy of the pseudo-radical, the militant revolutionist who would overthrow by violence one form of tyranny only to put in its place a more sweeping, more dictatorial tyranny of another sort. It is not new. It is as old as history. It conducts inquiries (whether called fascists or communists) lurking around every corner of social change, hiding under the beds of respectable citizens, or threatening the masses. My point is that liberals in religion have allowed themselves to be lured by those who personify the exact opposite. Citizens who pride themselves upon democracy in religious matters often prove intolerant -- even aggressively authoritarian -- in politics or industrial relations. I heard them try to outlaw the same party and for the same reasons of hysteria that led us to bill Hitler after World War I "as a bulwark against communism." We too easily forget that they themselves own substantial property.

If a person's religion is a way of life, a religious liberal in one area presupposes a liberal position in the others. The alternative is schizophrenia.

When conscience speaks, religious liberals often tend to become frustrated. The lack of an orientation, a yardstick, hampers action. Feeling strongly, yet prevented from expressing their feelings through action, many of us have become maladjusted. Thus conscience does make cowards of us all; and thus the native hue of resolution is sicklied o'er with the pale cast of thought, and enterprises of great pith and moment with this regard their currents turn awry and lose the name of action."

By action in consonance with our beliefs, we may restore our sanity.

Transcribed by Hazel Stevenson

A Sermon Delivered on April 12, 1959
by

SAMUEL A. WRIGHT, Jr.
Minister

THE UNITARIAN CHURCH OF MARIN

Meeting in the
Tamalpais Centre Women's Club
Kentfield, California

**"to bind our wounds, to heal our sores
to make our society well.."**

President Lyndon B. Johnson

Morton Sobell is INNOCENT say:

HAROLD C. UREY

MARTIN BUBER

PABLO CASALS

BERTRAND RUSSELL

LINUS PAULING

CITIZENS' FULL PARDON FOR MORTON SOBELL

In the national effort to end the atmosphere of immorality and malice that concerns us all, we must come to grips with the festering case of Morton Sobell.

"I am innocent," Morton Sobell has cried out through more than 13 years of imprisonment. We believe him. Some of the most eminent persons in the United States and abroad have found the evidence barren, questioned the fairness of the trial, and voiced shock at the extreme cruelty of the 30-year sentence.

As responsible citizens, in whose name Morton Sobell's imprisonment continues, we cannot be associated with such a denial of justice to a man and his family, and to our nation's ideals. We wish to join in granting on behalf of the public conscience a **CITIZENS' FULL PARDON** to Morton Sobell.

We respectfully call upon the President of the United States to make this an official act of the United States Government.

Name	Address	Occupation

Return to: Committee to Secure Justice for Morton Sobell, 940 Broadway, New York, N. Y. 10010

Those who are asking freedom for Morton Sobell incl:

AMONG THOSE WHO WE URGE MORTON SOBELL ON MANY GROUNDS ARE

Rabbi Morris Adler, Detroit
 Rev. David Andrews, Baltimore
 Dr. Roland H. Bainton, New Haven
 Rabbi J. S. Bass, Mass.
 Dr. John C. Bennett, New York
 Chief Rabbi E. Berlinger, Amsterdam
 Rabbi Samuel Bernstein, New York
 Rabbi Balfour Brickner, New York
 Chief Rabbi Israel Brodie, London
 Dr. Samuel H. Cassel, Cleveland
 Burns Chalmers, Washington, D. C.
 David Colwell, Washington, D. C.
 Rev. Henry Mitt Crane, Detroit
 Rabbi Maurice B. Eisendrath, New York
 Rev. John E. Evans, New Jersey
 Rabbi Julian B. Feibelman, New Orleans
 Rabbi Morris Fishman, New Jersey
 Rev. Kenneth R. Forbes, Philadelphia
 Rev. Stephen H. Fritchman, Los Angeles
 Rev. G. Shubert Frye, New York
 Rev. Milton Galamison, New York
 Rabbi Robert E. Goldberg, New Haven
 Dr. Simon Greenberg, New York
 Dr. Erwin A. Gaede, Ann Arbor, Mich.
 Rabbi Harry Halpern, New York
 Rev. Donald Harrington, New York
 Rev. John Haynes Holmes, New York
 Rabbi Philip Horowitz, Cleveland
 Dr. Angus Hull, New York
 Rev. J. Stuart Innerst, Whittier, Cal.
 Rev. John Paul Jones, Ashfield, Mass.
 Rev. Charles Kean, Washington, D. C.
 Rev. Thomas Kilgore, New York
 Rev. Joseph P. King, Chicago
 Rev. Martin Luther King, Jr., Atlanta
 Dr. John M. Krumm, New York
 Rabbi Arthur J. Lelyeld, Cleveland
 Bishop Edgar A. Love, Baltimore
 Rev. Ernest Martin, Washington, D. C.
 Rev. Peter McCormack, San Francisco
 (Chaplain at Alcatraz)
 Dr. Uri Miller, Baltimore
 Dr. Reinhold Niebuhr, Cambridge
 Chief Rabbi Yits'hak Nissim, Israel
 Chief Rabbi S. Rodrigues Pereira, Amsterdam
 Dr. Dryden Linsley Phelps, Berkeley
 Rev. Nelson Pierce, Washington, D. C.
 Rabbi Emanuel Rackman, New York
 Dr. D. R. Sharpe, Pasadena
 Rabbi Dr. J. Soetendorp, Amsterdam
 Rev. AnnaLee Stewart, Washington, D. C.
 Rev. Alva Tompkins, Chicago
 Rev. Francis S. Tucker, Mass.
 Chief Rabbi L. Vorst, Rotterdam
 Rabbi Jacob J. Weinstein, Chicago
 Rev. Samuel A. Wright, Jr., Berkeley
 1500 Clergy in the United States
 Council of Churches—National Capital Area
 The Methodist Federation for Social Action
 Palo Alto Ministerial Association
 Social Action Commission of the Union of
 American Hebrew Congregations
 Social Action Commission of the
 United Synagogue of America

AMONG THOSE WHO WE URGE MORTON SOBELL ON MANY GROUNDS ARE

Dr. William C. Davidson, Chicago
 Prof. Lloyd Donnell, Chesterton, Ind.
 Dr. Edward D. Korn, Bethesda, Md.
 Dr. Philip Morrison, Ithaca
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 The New York Post
 The Progressive Magazine
 The Washington Daily News



Committee To Secure Justice For Morton Sobell

171

940 BROADWAY (Entrance on 22nd Street) NEW YORK 10, N. Y.

Algonquin 4-9983

"I WANT THE FIGHT ON MY BEHALF TO BE FOR A FULL PARDON BASED ON MY INNOCENCE."

Morton Sobell

From the beginning everything was calculated to frighten me, the abduction, the farce of a hearing in Laredo, being dragged before the Commissioner in New York and hearing prosecutor Saypol let loose a torrent of lies. Then followed the "conference" in which I was told that I was doomed and might as well give up. Later there was Alcatraz and then Atlanta. But it didn't frighten me, it couldn't!

After all, I knew the charges were baseless, but I wasn't naive enough to believe this guaranteed my safety. They wanted me for a false prosecution witness! Yet the knowledge of innocence gave me the strength to match their stares, even if I couldn't match their hatred.

There never arose a question about how I should proceed. All their threats and anonymous letters didn't affect me. After the painful education of the trial as it was conducted by Judge Kaufman, and the perjuries and power plays of prosecutors Irving Saypol, Myles Lane and Roy Cohn, how could I ever permit myself to be used as their tool?

To have heard the sentences of death delivered against two innocent people made me understand the heavy burden laid upon the conscience of our country. I had hoped that some part of that savage imprint upon our history could be erased through calm and reason, but I have not seen this. Rather this "legal" murder was followed by the illegal murders of Medgar Evers, William L. Moore, the Birmingham children, and our President.

Less than five months after the execution of the Rosenbergs, President Eisenhower commuted the death sentence of Tomoya Kawakita, convicted of treason for his torture of GIs in a Japanese POW camp. Recently Kawakita was freed and permitted to return to Japan. Douglas Chandler, too, convicted of treason for helping the Nazis in Germany, has been freed. Why was the death sentence of the Rosenbergs not commuted, and why have I not been set free?

In all that has transpired through nearly 14 years, I have no regret for anything, done or undone, by myself or those who have worked in my behalf. When the question of clemency was first raised it pained me beyond anything I had experienced. It was foreign to my nature, repulsive, but understandable as a procedure.

It has at this late date, however, become a farce to set aside the merits of our case and speak of mercy, humanity, of clemency and amnesty. I want the fight on my behalf to be for a full pardon based on my innocence and nothing else. It is much easier for me this way, and it will better serve justice.

December 10, 1963

Morton Sobell

Your signature and contribution will carry on Morton Sobell's fight.

b7d

**'to bind our wounds, to heal our sores
to make our society well...'**

President Lyndon B. Johnson

Morton Sobell is INNOCENT say:

HAROLD C. UREY

MARTIN BUBER

PABLO CASALS

BERTRAND RUSSELL

LINUS PAULING

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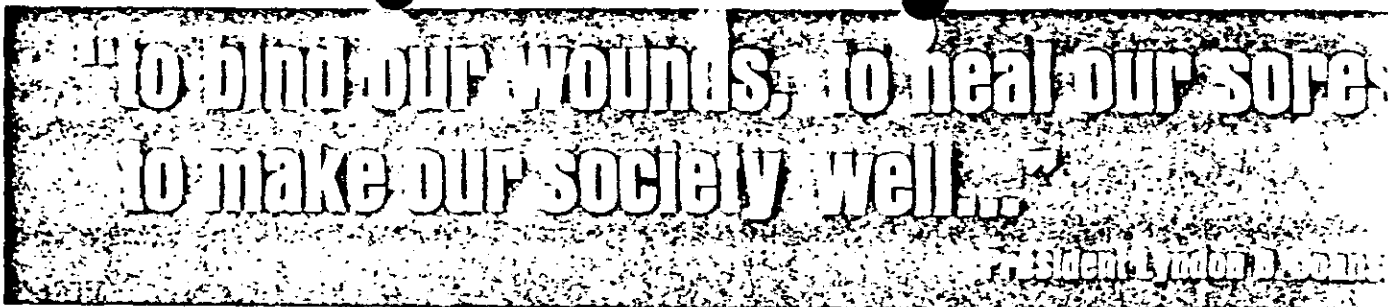
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THE DEFENDANTS

The Rosenbergs were a New York-born couple. Julius Rosenberg had been an engineer and at the time of his arrest had his own machine shop. The couple had two sons.

Morton Sobell,* who grew up in the Bronx, was a radar specialist and an evening instructor at Brooklyn Polytechnical Institute. He was employed at the Reeves Instrument Company at the time of his arrest. He and his wife, Helen, have a son, Mark, now 14, and by Mrs. Sobell's previous marriage, a daughter, Sydney.

Morton Sobell and Julius Rosenberg had known each other at the City College of New York.

THE PROSECUTORS

A key prosecutor, along with Irving Saypol and Myles Lane, was Roy Cohn, later to become Senator McCarthy's chief assistant. Cohn was discredited in the Army-McCarthy hearings in 1954 when it was proven that he doctored a photograph presented in evidence.

NO ESPIONAGE CHARGES

The gap between the headlines and the facts was wide. Neither the Rosenbergs nor Sobell were charged with espionage or treason. The charge was "conspiracy to commit" espionage. The difference: under the loose conspiracy charge, no proof of any actual acts of espionage is needed. The conspiracy charge is traditionally resorted to when proof of actual acts is lacking.

NO DOCUMENTARY EVIDENCE

In opposition to the defendants' plea of innocence, no documentary evidence was presented in the trial. The case rested on the testimony of government witnesses who stood to gain personally by their accusations. The trial was colored by prosecution claims, also without documentation, that the defendants were members of the Communist Party.

The chief witness against the Rosenbergs was David Greenglass, brother of Ethel Rosenberg. Greenglass, a mechanic at Los Alamos, did not claim to have stolen any documents or photographed any papers. He told a tale of having eavesdropped on scientists and from

*Morton Sobell is not related to the brothers, Dr. Robert Soblen and Jack Sobbe, who were in the public eye for a variety of different reasons.

their conversation drawing diagrams giving atomic secrets. On cross-examination he admitted having failed his science courses at Brooklyn Polytech. Dr. Harold C. Urey, Nobel prize atomic scientist who studied the record subsequently and found "patently perjured" prosecution testimony, asserted: "Though the information supposed to have been transmitted could have been important, a man of Greenglass's capacity is wholly incapable of transmitting the physics, chemistry and mathematics of the atomic bomb to anyone." Greenglass was sentenced to 15 years imprisonment but is now free after having been released at the end of 1960.

Of Greenglass's testimony, the U. S. Court of Appeals said: "Doubtless, if that testimony were disregarded, the conviction could not stand."

WAS AGAINST SOBELL

Only one witness, Max Elitcher, accused Sobell of any involvement. Elitcher, admitting previous perjury, testified that he was "scared to death." The judge told the jury: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

Elitcher did not claim Sobell ever passed or received any secret material. He told the jury that Sobell, although he supposedly thought the FBI was following him, took a 35mm film can (content never specified) to Julius Rosenberg. Elitcher did not claim he saw Sobell give anything to Rosenberg. Elitcher has never been prosecuted for his confessed perjury, but has been helped to find employment, as a reward for his testimony.

Sobell's lawyers advised him that the case was so flimsy his most effective defense would be to rest on his plea of innocence, without even taking the witness stand. Sobell, wanting to take the stand, reluctantly bowed to their legal opinion.

OTHER PROSECUTION WITNESSES

Harry Gold never claimed to have known the Rosenbergs and Sobell. But Gold, already under a 30 years sentence, described himself as the man to whom Greenglass gave the atomic data he said he obtained by eavesdropping on scientists. In a later trial, a man whom Gold accused went free after the court heard Gold's admission of having lived such a life of lies "it is a wonder that steam didn't come out of my ears." Gold is still in prison.

Elizabeth Bentley, who had become a frequent witness at the trials and Congressional hearings of the day, didn't claim to know the Rosenbergs or Sobell but added color with testimony on espionage methods. She was subsequently discredited in other proceedings. For example, she once accused a man of having supplied the Russians with advance information about Doolittle's raid on Tokyo which

was glenned while the accused was in the Air Corps. But it was proven that the man wasn't in the Air Corps until months after the raid. Former U.S. Congressman Byron Scott of California charged before a Congressional committee that 37 discrepancies had been found in Elizabeth Bentley's testimony in that case.



Ethel Rosenberg



Julius Rosenberg

UNPRECEDENTED SENTENCES

The verdict was "guilty." Dr. Harold C. Urey has said:
"This jury was hearing this trial in the midst of the McCarthy hysteria during the Korean War when people were very much upset about these things and it would seem to me very difficult for any member of this jury to have gone home after voting for acquittal and retained his job or his position in his community."
 Judge Irving Kaufman, expressing the hysteria of the time, intoned against the Rosenbergs: "... I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."
 He condemned them to death. Nobody had ever been executed for espionage in the United States during peacetime. No woman had been executed by the federal government since 1865.

To Morton Sobell the judge said:
"The evidence in the case did not point to any activity on your part in connection with the atomic bomb project."
 He condemned Sobell to 30 years, and recommended against

NEW EVIDENCE

Since the trial the following new evidence has been presented in court:

- Memoranda of David Greenglass's lawyers revealing that Greenglass, according to documents in his own handwriting, told conflicting stories; that Greenglass's wife confided that her husband was an habitual liar who had fits of hysteria and ran nude through hallways shouting incoherencies; and memoranda indicating that a deal was made with the prosecution to lighten Greenglass's punishment in exchange for his testimony.
- Proof that a console table the Rosenbergs owned was an ordinary, inexpensive table bought in Macy's as they had testified. The prosecution had claimed the table, not produced in court, was an expensive gift from the Russians hallowed out for secret microfilm work.
- Proof that the prosecution brought a passport photographer to court secretly to observe the Rosenbergs. Later, on the stand, he claimed he was identifying them upon seeing them for the first time in court.
- Proof that Morton Sobell was kidnapped from Mexico at the instigation of the prosecution, and that at the trial the prosecution claimed fraudulently that the Mexican government had deported Sobell, thus giving the court the impression that Sobell was a fugitive. The new evidence showed that the Mexican government not only did not deport Sobell, but took action to see that its laws were not violated by an international kidnapping.
- Proof that Sobell and his family went to Mexico in a normal manner with proper tourist cards and air tickets, and in their own name. Sobell, as a scientist and teacher with left-wing views, had admitted that hysteria in the United States frightened him, and while in Mexico on vacation he thought of living abroad. He made inquiries under other names for passage to France and Israel. But he lived openly in Mexico City under his own name where he could be reached readily, and not as a fugitive.

NONE OF THIS EVIDENCE HAS EVER BEEN GIVEN A HEARING IN COURT. Each time, the prosecution has managed to avoid a hearing on the merits.

SUPREME COURT NEVER REVIEWED CASE

Defenders of the Rosenberg-Sobell verdict often claim that the Supreme Court has reviewed the case many times and found nothing wrong. The fact is, as Justice Black has stated, "This Court has never reviewed this record and has never affirmed the fairness of the trial below." The Supreme Court has emphasized that refusal to review a case in no way judges its merits. Further, appeals are limited to legal points, not the question of innocence or guilt or which witness was telling the truth.

voted for a new Sobell trial in a dissenting opinion holding that Sobell's case should have been considered separately from that of the Rosenbergs.

PROSECUTION TACTICS

"Wholly reprehensible" was the expression the U.S. Court of Appeals used in one decision describing prosecution tactics in getting publicly prejudicial to the defense during the trial. The court said that if the defense had raised the question sooner, a mistrial should have been declared.

Recent court decisions have emphasized other prosecution unfairness. The prosecution repeatedly implied to the jury that Ethel Rosenberg's answers at the trial could not be believed because she had pleaded the 5th Amendment to the same questions previously before a Grand Jury. Supreme Court rulings in other cases since the execution have branded such tactics as unfair and illegal.

On Feb. 6, 1963, the U.S. Court of Appeals acknowledged that under today's interpretation of the law the trial of Ethel and Julius Rosenberg and Morton Sobell would have been considered unfair. But the court said it is too late for Sobell to raise the point. Legally speaking, the Appeals Court said, it would not be too late for Ethel Rosenberg, if she were alive, to raise the point.

APPEALS FOR CLEMENCY

The furor that the Rosenberg-Sobell trial unleashed has been paralleled only by such cases as the Mooney-Hillings and Sacco-Vanzetti cases in the United States and the Dreyfus case abroad. There were public meetings and demonstrations, debates in the press, thousands marching before the White House, and pleas pouring in from throughout the world. Pope Pius XII, the President of France, and Albert Einstein were among those who intervened for clemency.

A legal battle raged until the last moment. Justice Douglas granted a stay of execution, bringing later moves for his impeachment. The Supreme Court had adjourned for the summer, but it was called back into unprecedented session to overrule Justice Douglas 6-3 while the executioner stood by in Sing Sing prison. A few hours later, on June 19, 1953, with the execution moved ahead until just before sundown to avoid having it occur on the Jewish Sabbath, Julius and Ethel Rosenberg were electrocuted. They swore their innocence in final statements. A telephone was kept open to the death chamber with the offer to spare them if they would admit guilt.

Morton Sobell received the news in Alcatraz, a prison supposedly for hardened criminals. He had been sent there on Thanksgiving Day, 1952, after he refused to admit guilt and accuse the Rosenbergs. After the death of the Rosenbergs he was approached again to change his testimony. Sobell spent five and a half years in Alcatraz.

where his wife could only see him through a pane of glass and talk through a telephone when she visited him. Widespread public protests against this treatment as being vindictive resulted in his transfer to Atlanta Federal Penitentiary, where he is now held.

TOP SECRET INFORMATION STILL IN PUBLIC CONTROL

APPEALS FOR SOBELL

The list of those urging Sobell's release has grown each year. It includes eminent persons of many viewpoints the world over (see partial listing on page 10.) There are appeals by those who question the fairness of the trial, by those who believe the Rosenbergs and Sobell innocent, by those who say the Rosenbergs were guilty but Sobell is innocent, and even by those who accept Sobell's guilt but regard the 30-year sentence as excessive and believe he should now be released.

A special independent study was made by a noted group including Edmond Cahn, professor of law at New York University, and Dr. Reinhold Niebuhr of the Union Theological Seminary. The panel of inquiry called the case against Sobell "vague in content and slender in proof" and recommended a commutation of sentence.

HOPE IN WINNING ON PAROLE

Before his election as President, then Senator John F. Kennedy had his aides meet with persons appealing for Sobell and gave every impression of planning action in his behalf. After the election, Presidential spokesmen in the White House were still optimistic about favorable action. A "new" study was said to be underway in the Justice Department. But it turned out that those assigned to the study were the same holders in the department who previously had the responsibility of defending the verdict and the execution of the Rosenbergs.

Presidential clemency was denied. The official position was that it would be up to the parole board.

PAROLE DENIED

Morton Sobell is officially eligible for parole. He has a job waiting for him, Rabbi Hjalmar Bricker, director of the Joint Commission

nations and the Central Conference of American Rabbis, has agreed to serve as his parole advisor. Sobell's wife, his mother, and his children have stood by him, working for his freedom, and the family has maintained as close a relation as possible through prison visits and correspondence.

Donal E. J. MacNamara, Dean of the New York Institute of Criminology, describes Sobell as the ideal candidate for parole under every accepted criterion. Notables from throughout the country testified in Washington in behalf of Sobell at a parole hearing and recommended that he be allowed to return to society and make his contributions as a scientist.

Parole has been denied. No reasons have been cited.



The Rosenberg-Sobell case runs through the fabric of the last decade. There have been countless statements by authorities that Russian scientific capacities were woefully underestimated and Soviet development did not come from espionage. Yet two persons are buried in a grave on Long Island on the accusation that they gave Russia the atomic bomb.

Newspaper columnist Jack Scott has commented in the Vancouver Sun: "Sobell, himself, has continued to protest his innocence, although a confession, whether true or false, would lighten his staggering sentence . . . I happened to be reading a booklet on the witchcraft trials in Salem, Mass., when I came across the Sobell file. One paragraph tells of 13 women and six men hanged as witches and concludes, 'Fifty persons confessed and were freed.' The comparison with the Rosenberg-Sobell case is unavoidable."



Professor Francis D. Wormuth of the University of Utah, authority on Constitutional law, calls Sobell "the man in the iron mask of American jurisprudence" because of fear in Washington of opening the Pandora's box of the Rosenberg-Sobell case.

A committee of eminent Americans is seeking to form an independent Commission of Inquiry that would investigate the entire case from top to bottom and render a verdict in the light of present perspective.

Meanwhile, there is a continuing urgent effort to free Morton Sobell through renewed appeals in the courts, to the parole board, to President Kennedy for executive action, and to the public conscience.

Write to President Johnson urging that he free

Sobell and name an independent inquiry commission into the Rosenberg-Sobell case.

1. Show to your organization or home gathering the new 16mm sound film "Morton Sobell—A Plea for Justice" (30 minutes).
2. Send a contribution to the Sobell Committee at the address below to help carry on its work.
3. Circulate this booklet and other available material for more intensive study. The full trial record can be bought for \$6 per set of 8 volumes, or it can be borrowed.

SOBELL COMMITTEE:

910 Broadway, New York 10, N. Y.

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